



W.P.No.32007 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.32007 of 2023

A.Elumalai

...Petitioner

-Vs-

1.The State of Tami Nadu,
Rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai - 9.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

3.The District Adi Dravidar &
Tribal Welfare Department Officer,
Ranipet District.

4.The Head Master,
Government Adi Dravidar Higher Secondary School,
Elathur, Nemili Taluk,
Ranipet District – 632 502.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to regularize the service of the petitioner in the post of Sweeper-cum-Scavenger in the 5th respondent School in the light of



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G.O.Ms.No.35, School Education (VE) Department dated 09.02.2007 and G.O.Ms.No.47, School Education (R1) Department dated 02.03.2012 and orders passed by the Division Bench of this Court in W.A.No.1258 of 2018 and batch dated 13.09.2019, with effect from the date of his initial appointment, i.e., 26.08.1996, with all service, monetary and other consequential benefits and pass such further orders.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for M/s.V.Ambika

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to regularize the service of the petitioner in the post of Sweeper-cum-Scavenger in the 5th respondent School in the light of G.O.Ms.No.35, School Education (VE) Department dated 09.02.2007 and G.O.Ms.No.47, School Education (R1) Department dated 02.03.2012 and orders passed by the Division Bench of this Court in W.A.No.1258 of 2018 and batch dated 13.09.2019, with effect from the date of his initial appointment, i.e., 26.08.1996, with all service, monetary and other consequential benefits.

2. The Petitioner was appointed to the post of Sweeper-Cum-Scavenger on a consolidated pay basis in Elathur Government Adi Dravidar



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Welfare High School, Nemili Taluk by the 3rd respondent with effect from 26.08.1996. Earlier, the Petitioner filed a writ petition in W.P.No.37002 of 2015 before this Court praying for a direction to the respondents to regularize the Petitioner's service with effect from the date of his initial appointment with all monetary and service benefits and this Court vide order dated 20.11.2015, directed the 2nd respondent to consider and dispose of the Petitioner's representation dated 30.10.2015 in accordance with law and pass orders within a period of eight weeks.

3. The 2nd respondent rejected the Petitioner's representation vide order dated 14.03.2016, and the same was challenged before this Court in W.P.No.33721 of 2016. This Court by an order dated 07.10.2016 disposed of the aforesaid writ petition with a liberty to give fresh representation to the respondents and the respondents, on receipt of the same, were directed to consider the same with regard to reviewing its earlier order in the light of the order dated 04.08.2014 made in Rev.Appl.No.207 of 2014 in W.P.No.13168 of 2013, the order dated 08.12.2014 made in Rev.Appl.No.281 of 2014 in W.P.No.13162 of 2013 and the order dated 19.12.2014 made in W.P.No.33950 of 2014 and pass orders on merits and in accordance with law, as expeditiously as possible.



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4. On the basis of the order passed in W.P.No.33721 of 2016 dated 07.10.2016, the 1st respondent vide G.O.(2P).No.65 dated 12.10.2020 had granted the time scale of pay, i.e., Rs.1300-3000 Rs.300/- Grade Pay without considering the request for regularization of the Petitioner's service. Thereafter, the Head Master / 5th respondent vide letter dated 11.03.2022 recommended the 4th respondent consider regularizing the Petitioner's service with the regular time scale of pay.

5. Accordingly, the 2nd respondent / Director of Adi Dravidar Department in his communication letter dated 09.06.2022, informed the Petitioner that his request for regularization would be considered by the Government after receiving appropriate proposals from the District Adi Dravidar Officer / 4th respondent. Since no progress was made, the petitioner sent representations dated 23.05.2023 and a further representation dated 31.10.2023 to the respondents seeking regularization of his service and to take appropriate action against the communication letter dated 09.06.2022. However, the same has not been considered, and no orders have been passed till date. Aggrieved over the same, the Petitioner has come up with the present Writ Petition.



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6. Learned senior counsel appearing for the petitioner would submit that though he was appointed as a part-time Sweeper-Cum-Scavenger in the school, the work carried out is for the entire day and the Petitioner was required to report to the school long before normal school hours and keep the school premises, including the toilet, clean and in sanitized condition. The toilets in the schools are put to constant use, and therefore the duty is performed right through the day.

7. In view of the various Government orders that have been passed in this regard and in line with the earlier judgments of this Court, wherein, this Court had directed the regularization of the employees who are similarly placed like the petitioners. The Petitioner sent a representation dated 31.10.2023 to the respondents herein seeking regularization of his service and the same is still pending for consideration.

8. Learned senior counsel appearing for the petitioner would further submit that the proposal may be obtained by the 2nd respondent from the 3rd respondent and the same may be forwarded to the 1st respondent for the regularization of service of the petitioner within the stipulated time in the light of the similar order passed by this Court vide G.O(3P)No.361, Adi



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Dravidar and Tribal Welfare (AD7) Department dated 14.07.2021 and G.O.Ms.No.59, Adi Dravidar and Tribal Welfare (AD7) Department dated 03.08.2021.

9. It is further submitted that the Head Master of the School has also written a letter vide Na.Ka.No.44/2022 to the District Adi Dravidar & Tribal Welfare Department Officer, Ranipet District, stating that the application of the petitioner with all documents has been forwarded. Thereafter, the 2nd respondent has written a letter vide Na.Ka.No.O3/29474/2013 dated 09.06.2022 to the petitioner informing them that the application obtained through the District Adi Dravidar & Tribal Welfare Department Officer will be forwarded to the Government.

10. A counter affidavit was filed on behalf of the 4th respondent dated 03.08.2024.

11. Learned Government Advocate appearing for the respondents would submit that a time frame may be fixed by this Court for the 2nd respondent to obtain a proposal from the 3rd respondent and forward the same to the 1st respondent for regularization of service of the petitioner.



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12. Heard both sides and perused the materials available on record.

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13. Without going into the merits of the case, this Court is inclined to issue the following directions:

- (1) The 2nd respondent is directed to obtain the proposal from the 3rd respondent and forward the same to the 1st respondent for regularizing the service of the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order.**
- (2) On receipt of the same, the 1st respondent shall consider it on merits, in accordance with law and pass appropriate orders in the light of G.O(3P)No.361, Adi Dravidar and Tribal Welfare (AD7) Department dated 14.07.2021 and G.O.Ms.No.59, Adi Dravidar and Tribal Welfare (AD7) Department dated 03.08.2021 within a period of six (6) weeks thereof.**

In the result, the writ petition stands disposed of with the above observations and directions. No costs.

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cda

Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The Secretary to Government,
The State of Tami Nadu,
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Fort St.George, Secretariat,
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