
(2007) 10 MAD CK 0046

In the Madras High Court

Case No : Writ Petition No. 29745 of 2004 and WPMP No. 423 of 2007

S. Ananthi

APPELLANT

Vs

The State of Tamilnadu

RESPONDENT

Date of Decision : 03-10-2007

Acts Referred:

Citation : (2007) 10 MAD CK 0046

Hon'ble Judges : M. Chockalingam, J

Bench : Single Bench

Advocate : S.F. Mohamed Yousuf, for the Appellant; Dakshyayini Reddy, Additional Government Pleader, for the Respondent

Judgement

M. Chockalingam, J.—Seeking a writ of mandamus, this writ petition has been brought forth by the petitioner to direct the first respondent

to regularize the services of the petitioner as Junior Assistant with effect from 18.12.1986 and grant him the consequential benefit of promotion and

pay with retrospective effect.

2. The affidavit in support of the petition is perused. The Court heard the learned Counsel for the petitioner. The second respondent is present in

Court. On her instructions, the learned Additional Government Pleader made his submissions.

3. The case of the petitioner in short is that she was appointed as Junior Assistant in the Government High School at Vasudevanallur by the fourth

respondent by an order dated 9.12.1986 on compassionate ground on the death of her father, who was working as a Secondary Grade Teacher

in Panchayat Union Middle School, Punniahpuram, Tenkasi Taluk. The scale of pay was also fixed. She joined duty on 18.12.1986 forenoon. The

order of appointment required the Headmaster of the School to submit to the Government the papers for regularization of the service after her joining duty.

4. Further, it could be seen from the affidavit that the fourth respondent submitted the papers for regularization of the service of the petitioner to the third respondent in the year 1987. It was also pending in the hands of the first respondent. Then, the second respondent again on 15.3.1999, requested the first respondent to regularize the service enclosing the necessary papers. They also required the fourth respondent to resubmit the regularization papers with original certificates. Thereafter, orders were issued that the originals have actually been placed as early as 21.9.1997 by the fourth respondent to the third respondent, and the second respondent has also forwarded the same to the first respondent by proceedings dated 20.10.1997. The second respondent by his proceedings dated 6.11.2000, required the first respondent to send the original documents as the regularization file of the petitioner returned by the first respondent earlier, did not contain original papers. Thereafter, the duplicate copies were called for, and they were also submitted. Thus, the proceedings were pending. However, it would be quite clear that the original documents were not traceable. Under the circumstances, the delay of 17 years was caused. Now, the orders have been passed. In such circumstances, the petitioner was compelled and constrained to approach this Court for the above writ, and orders have got to be passed.

5. The Court heard the learned Additional Government Pleader on the above contentions.

6. It is a glaring case, where the delay, which is inordinate and inexcusable, has been caused. The papers which were placed before the first respondent in the year 1987, are pending for more than 20 years for the purpose of regularization. When the same is brought to the notice of the Court by the learned Counsel for the petitioner, the learned Additional Government Pleader would submit that reasonable time could be granted, and the present incumbent has come to the post and reported to duty in 2006, and now, the papers are to be acted upon, and necessary orders would be passed. In appraisement of the facts and circumstances and in particular, the delay already caused, this Court is of the considered

opinion that it is a fit case where a direction has got to be given to the first respondent to pass suitable orders as expeditiously as practicable

preferably within a period of twelve weeks from the date of this order. Accordingly, a direction is given, and this writ petition is disposed of. No

costs. Consequently, connected WPMP is closed.