

(2012) 01 MAD CK 0068

In the Madras High Court

Case No : Writ Petition No. 387 of 2007 and (O.A. No. 5603 of 2001)

Vediammal

APPELLANT

Vs

The District Collector, Dharmapuri District, Dharmapuri and
The Commissioner, Harur Panchayat Union, Dharmapuri
District

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Citation : (2012) 01 MAD CK 0068

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : V. Sudhakar, for the Appellant; R. Ravichandran, A.G.P. for
Respondent No. 1 and Mr. S. Thangaraja, for the Respondent

Judgement

Vinod K. Sharma, J.—The petitioner prays for issuance of writ in the nature of mandamus, directing the respondents to regularise the

service of the petitioner as Noon Meal Cooking Assistant, at Harur Panchayat Union with effect from the initial appointment i.e. 16.06.1999, with

all consequential benefits.

2. The petitioner is working as Cooking Assistant at Noon Meal Centre, Government Residential School, Harur Panchayat Union on daily wage

basis of Rs. 2/-from 16.6.1999. The petitioner claims that she is working without interruption therefore, is entitled to regularisation of her service.

3. The only ground on which regularisation is claimed, is that the District Collector is taking steps to fill the post of noon Cooking Assistant at

Noon Meal Centre, by appointing the persons found surplus in other schemes administered by the Government of Tamil Nadu, like Integrated

Child Development Programme etc.

4. This cannot be a ground to claim regularisation, it can only be a ground to claim right of consideration along with other eligible persons for

appointment on regular basis, as and when process of appointment is commenced. The petitioner can also challenge the appointments if any made,

but cannot claim regularisation.

5. The only contention raised by the learned counsel for the petitioner is that the Government has issued instruction for regularisation of service of

daily wage employees who have put in 10 years of service.

6. The case of the petitioner is not covered by the instruction, as admittedly, on the date of filing of this petition, the petitioner had not put in 10

years of service, nor any reliance placed on instruction issued by the Government. This writ petition is not competent on pleaded facts, thus is

ordered to be dismissed.

7. However, if the petitioner is still continuing in service, it shall open to the petitioner to claim the relief of regularisation in accordance with law, if

she fulfills the conditions laid down in the Government instructions.

8. No costs.