

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.24835 to 24843 of 2015

Anbalagan	...Petitioner in W.P.No.24835/2015
C.Bakkiaraj	...Petitioner in W.P.No.24836/2015
R.Sakthivel	...Petitioner in W.P.No.24837/2015
R.Sivakumar	...Petitioner in W.P.No.24838/2015
V.Singaravelu	...Petitioner in W.P.No.24839/2015
V.Vasanth Prabhu	...Petitioner in W.P.No.24840/2015
A.Ganesan	...Petitioner in W.P.No.24841/2015
M.Sathyamoorthy	...Petitioner in W.P.No.24842/2015
V.Saravanan	...Petitioner in W.P.No.24843/2015

Vs.

1. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Animal Husbandry,
Fort St. George, Chennai - 600 009
2. Animal Welfare Board of India,
Rep. By its Chairman,
No.13/1, Third Seaward Road,
Valmiki Nagar, Thiruvannamiyur,
Chennai - 600 041 ...R-1 & R-2 in all W.Ps.
3. The Joint Director, Animal Husbandry Department,
Dharmapuri
4. Society for Prevention of Cruelty to Animals
(SPCA), Rep. By its Chairman / District Collector,
Dharmapuri District ... R-3 & R-4 in W.P.Nos.
24835 to 24838, 24840,
24842 & 24843 of 2015
5. The Joint Director, Animal Husbandry Department,
Nagapattinam
6. Society for Prevention of Cruelty to Animals
(SPCA), Rep. By its Chairman / District Collector,
Nagapattinam District ...R-3 & R-4 in W.P.No. 24839 of 2015

7. The Joint Director, Animal Husbandry Department,
Thiruvallur
8. Society for Prevention of Cruelty to Animals
(SPCA), Rep. By its Chairman / District Collector,
Thiruvallur District ...R-3 & R-4 in W.P.Nos.
24841 of 2015

Prayer in W.P.Nos.24835 to 24838, 24840, 24842 and 24843 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the representations of the petitioners, dated 25.08.2014, seeking to appoint them as Inspector / Sub-Inspector in Dharmapuri District, under the Prevention of Cruelty to Animals Act, 1960, within the time frame fixed by this Court.

Prayer in W.P.No.24839 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 25.08.2014, seeking to appoint him as Inspector / Sub-Inspector in Nagapattinam District, under the Prevention of Cruelty to Animals Act, 1960, within the time frame fixed by this Court.

Prayer in W.P.No.24841 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 25.08.2014, seeking to appoint him as Inspector / Sub-Inspector in Thiruvallur District, under the Prevention of Cruelty to Animals Act, 1960, within the time frame fixed by this Court.

For Petitioner in all W.Ps. : Mr. R.Subramani

For Respondents in all W.Ps. : Mr. K.Rajendra Prasad,
Govt. Advocate,
for R-1, R-3 and R-4

WEB COPY COMMON ORDER

Admit. Mr. K.Rajendra Prasad, learned Government Advocate, takes notice for Respondents 1, 3 and 4. By consent of the learned counsel for both sides, these writ petitions are taken up for final disposal and disposed of, by this Court, by this common order, as the issue involved in these cases is one and the same.

2. The petitioners would state that, as per Rule 3 of The Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001, in every district, a society of Prevention of cruelty to animals was constituted and the District Collector designated is the Chairman of the said Society and the Superintendent of Police is the Vice Chairman of the Society. The duty and the obligation cast upon the said society is to give shelter to the animals in suffering and to take action against the individual/s who commit/s offence punishable under the Society for Prevention of Cruelty to Animals Act (in short "the Act"). It is further stated by the petitioners that, in every district, SPCA society appoints Inspectors and Sub-Inspectors to enforce the provisions of the said Act. The appointments so made have to be approved by the State Government and the State Government will issue a Gazette Notification, approving such appointment and empowering them to exercise the powers under Sections 32 and 33 of the Act.

3. On an earlier occasion, the Government has issued G.O.Ms.No.2380, dated 05.01.1991, approving the appointment made by the SPCA society and notified the names of the appointees. Likewise, similar appointments were made by the other District SPCA societies, the same were approved and notified by the Government of Tamil Nadu.

4. The grievance expressed by the petitioners is that, though they are designated and appointed as Inspectors and Sub-Inspectors, like their counter-parts in other Districts as well as by Corporation of Chennai, their appointments are yet to be approved. In this regard, they have submitted numerous representations and last of such representation were made on 25.08.2014. Since no orders have been passed on the said representations, the petitioners have come forward to file these writ petitions.

5. Mr. R.Submranian, learned counsel for the petitioners, in all the writ petitions, submitted that by applying the principles of parity, the Government has to approve the appointments of the petitioners, as Inspectors and Sub-Inspectors, which had been done so, in respect of the persons similarly placed like the petitioners herein, in other districts as well as in Corporation of Chennai and therefore, the petitioners have to confer with similar benefits. Further, in this regard, the Madurai Bench of this Court, by the order, dated 24.07.2015, in W.P.(MD) No.12984 of 2015, has issued directions to consider and pass orders, on the similar kind of representations, within a stipulated time frame and hence, the learned counsel for the petitioners, prays for appropriate orders.

6. This Court heard the submissions of Mr.K.Rajendra Prasad, learned Government Advocate for respondents 1, 3 and 4, on the submissions made by the learned counsel for the petitioners.

7. This Court, without going into the merits of the claim projected by the petitioners and taking into consideration the nature and scope of the prayer sought for by the petitioners and the other attendant facts and circumstances, directs the fourth respondent to consider the petitioners' representation, dated 25.08.2014, in accordance with law, and pass orders on them, within a period of twelve weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioners.

8. These writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of Animal Husbandry,
Fort St. George, Chennai - 600 009
2. The Chairman, Animal Welfare Board of India,
No.13/1, Third Seaward Road,
Valmiki Nagar, Thiruvanniyur,
Chennai - 600 041
3. The Joint Director, Animal Husbandry Department,
Dharmapuri
4. Chairman / District Collector,
Society for Prevention of Cruelty to Animals
(SPCA), Dharmapuri District
5. The Joint Director, Animal Husbandry Department,
Nagapattinam

6. The Chairman / District Collector,
Society for Prevention of Cruelty to Animals
(SPCA), Nagapattinam District
7. The Joint Director, Animal Husbandry Department,
Thiruvallur
8. The Chairman / District Collector,
Society for Prevention of Cruelty to Animals
(SPCA), Thiruvallur District.

9 CCs to Mr. R.Subramanian, Advocate SR.No. 42504 to 42512

1 CC to the Government Pleader, SR.No. 42443

W.P.Nos.24835 to 24843 of 2015

KM (CO)
PSI (31.08.2015)



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