

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.9.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30752 of 2015

1 S.Arul Lingom
2 P.Nangil Nidhi
3 R.Yesu Mohan

Petitioners

vs.

1 The Government of Tamil Nadu
Rep by its Secretary to Government
Personnel & Administrative Reforms
Department
Fort St. George Chennai-600 009.

2 The Government of Tamil Nadu
Represented by its
Secretary to Government
Finance (Pay Cell) Department
Fort St. George Chennai-600 009.

3 The District Collector
Nagercoil Kanyakumari District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus Directing the respondents especially the 1st and 2nd respondents to regularize the services of the petitioners from July 2003, the initial dates of their appointment as 'Junior Assistants' and according promotions taking into account their initial dates of appointments as 'Junior Assistants' besides counting the services of the petitioners from their respective initial dates of entry into services for the purpose of earning pension under the Old Pension Scheme applying the Law laid down by the Division Bench of this Honourable Court in WP.2110/2014 dated 19.3.2014 reported in 2014 (2) CTC 777, besides setting the difference of monetary and service benefits.

For Petitioners : Mr.A.Amalraj
For Respondents : Mr.V.Subbiah, Special Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioners were initially appointed to meet the contingency, without recourse to the Recruitment Rules of Tamil Nadu Public Service Commission and subsequently, their services were regularized subject to competitive examinations pursuant to G.O.Ms.No.155 P&AR Department dated 19.9.2006 and as such, they are entitled to get their services regularized from the dates of their respective initial appointments and not from the date of passing the competitive examination. In this regard, the petitioners submitted a representation dated 25.2.2013 to the first respondent and since no order has been passed, they have come forward to file the present writ petition.

3. Learned counsel appearing for the petitioners would submit that since their services were regularized by holding competitive examinations, there cannot be any impediment to regularized their services from the date of their initial appointment and prays for appropriate orders. Heard Mr.V.Subbiah, learned Special Government Pleader who accepts notice for the respondents.

4. Though the petitioners have sought for a larger relief, this court, in the light of the facts and circumstances of the case, without going into the merits, directs the first respondent to consider and dispose of the petitioners' representation dated 25.2.2013, on merits and in accordance with law, within a period of ten weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioners.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

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To

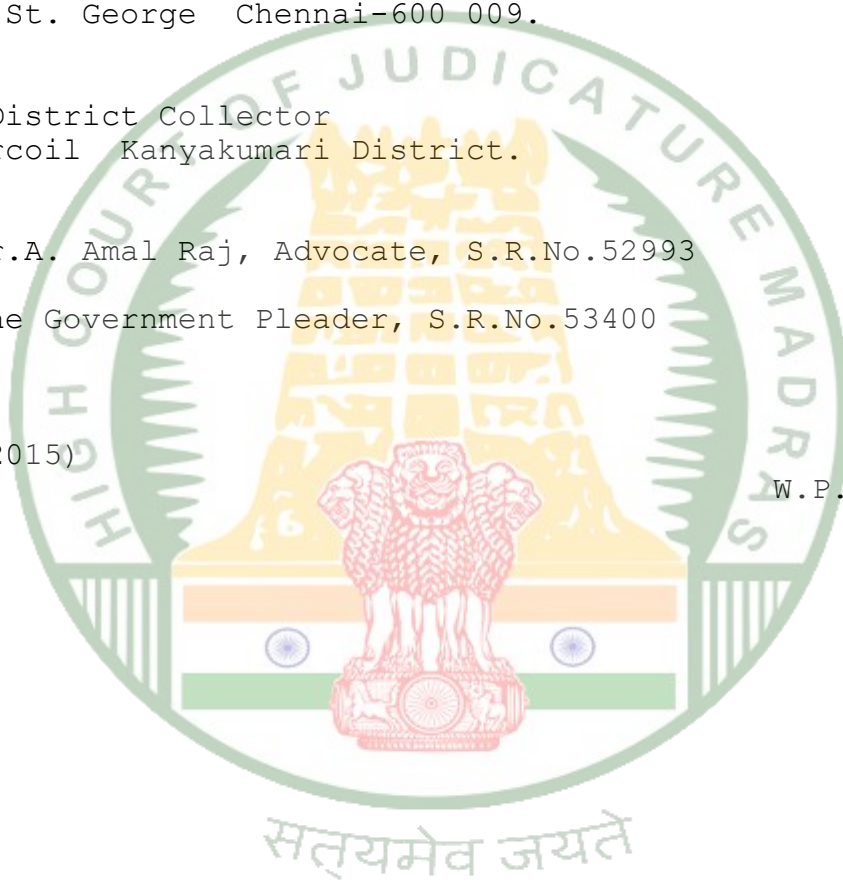
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+1cc to Mr.A. Amal Raj, Advocate, S.R.No.52993

+1cc to the Government Pleader, S.R.No.53400

CTK(CO)
EU(13/10/2015)

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