

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM

THE HON'BLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR. JUSTICE T.MATHIVANAN

W.A. No.186 of 2012
and
M.P.No.1 of 2012

- 1.The Secretary to Government,
Personnel and Administrative
Reforms Department,
Secretariat, Chennai - 9.
- 2.The Secretary to Government,
Commercial Taxes and Registration
Department, Secretariat,
Chennai - 9.
- 3.The Inspector General of Registration,
Chennai. ... Appellants

vs

- 1.V.Thandapani
- 2.Amutha
- 3.T.Seetharaman
- 4.M.Krishnamoorthy
- 5.M.R.Murugavel
- 6.M.Murali .. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 04.10.2010 in W.P.No.21781 of 2010. Petition praying this Hon'ble Court may be pleased to issue a writ of mandamus, or any other writ or appropriate order of direction in the form of writ direct the respondents to regularise the service of the petitioners with all benefits and promote them to the post of Night Watchman in the permanent post by extending the benefit of G.O.Ms.No.505 Finance (kaka-2) Department dated 14.10.09 and G.O.(2D)No.32, Finance (kaka-2) Department dated 26.03.2010 to the petitioners.

For Appellants .. Mr.R.Ravichandran,
Addl. Govt. Pleader

For Respondents 1to4 .. Mr.R.Singaravelan

R5&6 .. NA

JUDGMENT

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN, J.)

This writ appeal is filed by the State of Tamil Nadu, questioning the correctness of an order passed by the learned Judge in a writ petition filed by the respondents 1 to 6 seeking regularisation of their services.

2.Heard Mr.R.Ravichandran, learned Additional Government Pleader appearing for the appellants and Mr.R.Singaravelan, learned counsel appearing for the respondents.

3.The respondents who were working as Night Watchman came up with a writ petition in W.P.No.21781 of 2010 seeking regularisation of their services on the basis of the Government Orders in G.O.Ms.No.505 Finance Department dated 14.10.2009 and G.O.(2D) No.32 Finance Department dated 26.03.2010. The writ petition was allowed by a learned Judge, by an order dated 04.10.2010, directing the Government to regularise the services of the respondents with effect from the date of completion of ten years of service. Aggrieved by the said order, the Government has come up with the above appeal.

4.Though the appeal was filed by the Government in February, 2011 itself, the appeal papers were not in order and there was a delay in getting the appeal represented and numbered. In the meantime, the Government has passed orders in G.O.Ms.No.84 Commercial Taxes and Registration Department dated 18.06.2012. By the said order, the Governor of Tamil Nadu relaxed the recruitment rules in exercise of the power conferred upon him under Rule 48 of the General Rules for Tamil Nadu State and Subordinate Services in favour of 172 persons. The names of the respondents herein are found respectively at Sl. Nos.162, 166, 164, 161, 159 and 103 in the Annexure to the said Government Order in G.O.Ms.No.84 Commercial Taxes and Registration Department dated 18.06.2012.

5.On the question of law, pure and simple, the stand taken by the Government cannot be taken exception to. However, the Government have chosen to regularise the services of the respondents in G.O.Ms.No.84 Commercial Taxes and Registration Department dated 18.06.2012. Therefore, the benefits conferred under G.O.Ms.No.84 Commercial Taxes and Registration Department dated 18.06.2012 cannot be interfered with at the instance of either of the parties. Hence the writ appeal

is closed recording the fact that the grievance of the respondents have already been redressed and the order passed in G.O.Ms.No.84 Commercial Taxes and Registration Department dated 18.06.2012 is in accordance with the rules. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

- 1.The Secretary to Government,
Personnel and Administrative
Reforms Department,
Secretariat, Chennai - 9.
- 2.The Secretary to Government,
Commercial Taxes and Registration
Department, Secretariat,
Chennai - 9.
- 3.The Inspector General of Registration,
Chennai.

+1cc to Mr.R. Singaravelan, Advocate, S.R.No.29742

+2ccs to the Government Pleader, S.R.No.29381

SAI (CO)
EU(30/06/2015)

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