BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A.(MD)No.560 of 2014
and
M.P.(MD)No.1 of 2014

1.The Secretary to Government,
Commercial Taxes and Registration (A1) Department,
Government of Tamil Nadu,
Fort St.George, Chennai.

2.The Commissioner of Commercial Taxes,
Chepauk, Chennai.

3.The Joint Commissioner,
Commerical Taxes,
Commercial Taxes Building,
Tirunelveli.

4.The Deputy Commissioner, Commercial Taxes,
O/o.the Deputy Commissioner, Commercial Taxes Builinds,
Sivakasi. ..Appellants

Vs.

K.Govindaraj
..Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order dated 05.06.2012 in W.P.(MD)No.13157 of 2011 passed by the this Hon'ble Court.

Prayer in WP(MD). 13157/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to the impugned order made in G.O.2D.No.140 Commercial Taxes and Registration (A1) Department, dated 02-09-2011 issued by the 1st Respondent in so far it relates to regularization of Petitioner service from the date of issue of the order and quash the same as illegal and consequentially to direct the Respondents to regularize the Petitioner with effect from the date of Petitioner initial appointment.

For Appellant : Mr.K.Chellapandian, AAG assisted by
Mr.R.Karthikeyan, Spl.G.P.
For Respondents : Mr.E.Marish Kumar

JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN,J.)

This Writ Appeal has been filed under Clause 15 of Letters Patent Act, against the order dated 05.06.2012 in W.P.(MD)No.13157 of 2011 passed by the Learned Single Judge.

2.Heard the learned Additional Advocate General appearing for the appellants as well as the learned counsel appearing for the respondent / Writ petitioner.

3.By the impugned order, the Writ petition was allowed and the impugned G.O.2D.No.140, Commercial Taxes and Registration (A1) Department, dated 02.09.2011 was quashed. A further direction was also issued to regularize the service of the respondent / petitioner from the date of his initial appointment with all necessary benefits as in the case of others. The first appellant herein was also directed to complete the above said exercise within a period of 12 weeks from the date of receipt of a copy of the order.

4.Learned Additional Advocate General has fairly conceded that the respondent / petitioner is a similarly placed person as that of one K.Natarajan, who filed Writ petition in W.P.(MD)No.12721 of 2011 and that was decided in his favour. Aggrieved by which, a Writ Appeal in W.A.(MD) No.750 of 2013 was preferred by the appellants herein against the said K.Natarajan, a similarly placed person and a Division Bench of this Court while allowing the Writ Appeal, modified the order passed by the learned Single Judge and the said exercise was directed to be completed within a period of 4 weeks from the date of receipt of a copy of the order. Accordingly, the first appellant herein has passed a revised order granting regularization of respondent's service on completion of 10 years of service with all monetary benefits.

5.Learned Additional Advocate General drew the attention of this Court to the impugned order passed by the Learned Single Judge, wherein, the Learned Single Judge while allowing the Writ petition, which was filed by the respondent herein, has quashed the G.O. So far as regularization of service of the respondent herein is concerned, it was directed to consider the same from the initial date of appointment and further, the Learned Single Judge directed to complete the said exercise within a period of 12 weeks. Except regularization with effect from the initial date of appointment, in respect of the other aspects, there is no dispute between the learned Additional Advocate General appearing for the appellants as well as the learned counsel appearing for the respondent.

6.There is consensuses in modifying the order passed by the Learned Single Judge in this Writ Appeal. Based on the consensuses, we find it reasonable to pass similar orders, which was passed in W.A.(MD) No.750 of 2013.

7.Accordingly, the order passed by the Learned Single Judge is modified whereby, the first appellant is directed to pass a revised order granting regularization of the respondent's service on completion of 10 years of service with all monetary benefits and also directed to pay monetary benefits arising out of the said order of regularization within a period of 12 weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registar (AS)

/True copy/

Sub Assistant Registrar

To
1.The Secretary to Government,
Commercial Taxes and Registration (A1) Department,
Government of Tamil Nadu,
Fort St.George, Chennai.

2.The Commissioner of Commercial Taxes,
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O/o.the Deputy Commissioner, Commercial Taxes Builinds,
Sivakasi.

+1cc to M/s.Ajmal Associates, in SR.14777
+1cc to the Special Government Pleader in SR.14812

W.A.(MD)No.560 of 2014
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