



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD)No.18728 of 2015

and

M.P. (MD)No.1 of 2015

C.Durairaju

: Petitioner

Vs.

1.The Secretary to Government,
Revenue Department (SS-III),
St.Fort George, Chennai - 600 009.

2.The District of Survey and Settlement
Chepauk, Chennai - 600 005.

3. The Assistant Director of Survey
Surevey and Land Records,
Collectorate, Pudukottai.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to give due regularization to the petitioner in the post of surveyor, Pudukottai with effect from 18.07.1988 with all attended monetary benefits.

For Petitioner : Mr.M.V.Venkataseshan

For Respondents : Mr.J.Gunaseelan Muthiah
Govt.Advocate

O R D E R

The petitioner has again visited this Court, although there was an order passed by this Court in W.P.(MD)No.2275 of 2005, on 10.06.2009, directing the respondents to consider his representation, dated 30.12.2004, in respect of giving due regularization on the date of sitting viz., 1985 to 1991, to the petitioner. Consequently, his service was regularized with effect from 18.07.1988 to 20.04.1996, however, he was not granted the monitory benefits from 1988 to 1996. Therefore, the claim of the petitioner is, since the services of the petitioner are regularized with effect from 18.07.1988, the question of depriving the monitory benefits from 18.07.1985 till 20.04.1996, is wholly without any justification, the reason is, the respondent has extracted the work during the said period, therefore, on the basis of pain and gain, the respondents ought to have paid the monitory benefits. In this regard, the petitioner finding no response to his representation has finally come to this Court.



2. The order of regularization issued in favour of the petitioner on 15.10.2010 clearly shows that the services of the petitioner are regularized with effect from 18.07.1988, while doing so, this Court is not able to see any justification how the respondents to their whims and fancies can withhold the monetary benefits, admittedly, when the petitioner has been working in the said post from 1983. Therefore, the respondents are hereby directed to pay the monetary benefits to the petitioner from 18.07.1988, within a period of two months from the date of receipt of a copy of this order.

3. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

1.The Secretary to Government,
Revenue Department (SS-III),
St.Fort George, Chennai - 600 009.

2.The District of Survey and Settlement
Chepauk, Chennai - 600 005.

3. The Assistant Director of Survey
Surevey and Land Records,
Collectorate, Pudukottai.

+1cc to Mr.M.V.Venkataseshan, Advocate SR.No.61159

Order made in
W.P. (MD) No.18728 of 2015

Dated:

14.10.2015

mpk

NS/KBM/18.11.2015 : 2P/5C