

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition Nos.20553 to 20555 of 2016

W.P.No.20553 of 2016 :-

1.S.Murugesan
2.V.Ammasai
3.A.K.Dhamodharan
4.N.Chenni
5.S.Isbahani
6.G.Palanimuthu ...Petitioners

Vs.

1.The Secretary to Government
Commercial Taxes and Registration Department
Fort St.George
Chennai-9.

2.The Principal Commissioner & Commercial Taxes
Commercial Tax Building
Ezhilagam
Chepauk, Chennai-5.

3.The Assistant Commissioner
Commercial Tax Building
Ezhilagam
Chepauk, Chennai-5.

4.The Deputy Commissioner
Commercial Tax Department
Sathiyamangalam, Erode.

5.The Assistant Commissioner
Commercial Tax Department
Park Road Region, Erode.

6.The Assistant Commissioner
Commercial Tax Department
Bhavani, Erode.

7.The Assistant Commissioner
Commercial Tax Department (Enforcement)
Hosur.

8.The Assistant Commissioner
Commercial Tax Department
Arisipalayam, Salem.

9.The Assistant Commissioner
Commercial Tax Department
Suramangalam, Salem.

.. Respondents

W.P.No.20554 of 2016 :-

1.A.Jegannathan
2.I.Thanagavelu
3.K.Lakshmi
4.P.Subramaniam
5.A.Subramani
6.P.Velan
7.A.Thangavelu
8.S.Samsutheen
9.P.Sailya Junnaithee

.. Petitioners

Vs.

1.The Secretary to Government
Commercial Taxes and Registration Department
Fort St.George
Chennai-9.

2.The Principal Commissioner & Commercial Taxes
Commercial Tax Building
Ezhilagam
Chepauk, Chennai-5.

3.The Assistant Commissioner
Commercial Tax Building
Ezhilagam
Chepauk, Chennai-5.

4.The Assistant Commissioner
Commercial Tax Department
Dharmapuri.

5.The Deputy Commissioner
Commercial Tax Department
Salem.

6.The Assistant Commissioner
Commercial Tax Department
Salem Town West, Salem.

7.The Assistant Commissioner
Commercial Tax Department (Enforcement)
Dharmapuri.

8.The Deputy Commissioner
Joint Commercial Tax Department
Salem.

9.The Assistant Commissioner
Commercial Tax Department (Enforcement)
Namakkal (Rural).

10.The Assistant Commissioner
Commercial Tax Department
Chithode Region, Erode.

11.The Assistant Commissioner
Commercial Tax Department
Erode.

12.The Assistant Commissioner
Commercial Tax Department
Kankayam, Erode.

... Respondents

W.P.No.20555 of 2016 :-

1.N.Nanthana
2.R.Selvi

... Petitioners

Vs.

1.The Secretary to Government
Commercial Taxes and Registration Department
Fort St.George
Chennai.

2.The Principal Commissioner & Commercial Taxes
Commercial Tax Building
Ezhilagam
Chepauk, Chennai.

3.The Assistant Commissioner
Commercial Tax Building
Ezhilagam
Chepauk, Chennai.

4.The Deputy Commissioner
Commercial Tax Department
Namakkal.

5.The Assistant Commissioner
Commercial Tax Department (Enforcement)
Erode.

.. Respondents

Writ Petitions filed under Article 226 of the constitution of India to issue Writ of Mandamus, to direct the respondents to consider the representations of the petitioners, dated 24.02.2016 and to extend the benefits of G.O.(2D) No.30 Commercial Taxes and Registration (A1) Department, dated 21.05.2015 and to regularize the service of the petitioners in W.P.Nos.20553 & 20554 of 2016 and to regularize the service of the husband of the petitioners respectively in W.P.No.20555 of 2016, on completion of 10 years from the date of initial appointment and consequently, to count 50% of service rendered as casual labours before regularization for the purpose of pension benefits along with the regular service. The petitioners in W.P.No.20555 of 2016 further seeks to disburse the family pension benefits to them.

For Petitioners : Mr.R.Narayanan
in all WPs.
For Respondents : Mr.S.Kanmani Annamalai
in all WPs.

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the admission stage itself.

2. These Writ Petitions have been filed to issue Writ of Mandamus, to direct the respondents to consider the representations of the petitioners, dated 24.02.2016 and to extend the benefits of G.O.(2D) No.30 Commercial Taxes and Registration (A1) Department, dated 21.05.2015 and to regularize the service of the petitioners in W.P.Nos.20553 & 20554 of 2016 and to regularize the service of the husband of the petitioners respectively in W.P.No.20555 of 2016, on completion of 10 years from the date of initial appointment and consequently, to count 50% of service rendered as casual labours before regularization for the purpose of pension benefits along with the regular service. The petitioners in W.P.No.20555 of 2016 further seeks to disburse the family pension benefits to them.

3. The petitioners in W.P.Nos.20553 & 20554 of 2016 & husband of the petitioners respectively in W.P.No.20555 of 2016 were appointed as casual labours on daily wage basis in the years between 1982 to 1989 in the Commercial Tax Office. The Government of Tamil Nadu issued G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, to regularise the service of daily wage employees working on daily wage basis in various departments on completion of 10 years of service. Subsequently, the services of the petitioners in W.P.Nos.20553 & 20554 of 2016 & husband of the petitioners respectively in W.P.No.20555 of 2016 were regularised by the

1st respondent, but, their services were regularized only from the date of the order, dated 11.11.2008. The petitioners in W.P.No.20553 of 2016 retired from service, after completing 31 to 33 years of service, on attaining the age of superannuation. The petitioners in W.P.No.20554 of 2016 have put in more than 19 to 26 years of service before regularisation and they are still continuing in service. The husband of the petitioners respectively in W.P.No.20555 of 2016, viz., Nagarajan and Ramasamy, have died after completing nearly 24 and 32 years of service. The grievance of the petitioners is that in view of regularisation of their service from the date of order alone, the respondents are not taking into consideration of the service rendered by them as casual labours for pension benefits. According to the petitioners, the respondents have failed to regularize their service from the date of completion of their ten years and also failed to provide pension to them by counting 50% of their service before regularisation, as per G.O.(2D) No.30, Commercial Taxes and Registration (A1) Department, dated 21.05.2015. In this regard, the petitioners have sent several representations to the respondents and last of such representations are dated 24.02.2016. As there was no response, the petitioners have come up with these Writ Petitions.

4. Mr.R.Narayanan, the learned counsel for the petitioners would submit that the petitioners would be satisfied, if their representations, dated 24.02.2016, are directed to be considered by the 1st respondent and appropriate orders are passed, in the light of G.O.(2D) No.30, Commercial Taxes and Registration (A1) Department, dated 21.05.2015.

5. Mr.S.Kanmani Annamalai, the learned Standing Counsel, who takes notice on behalf of the respondents, has got no serious objection in directing the 1st respondent to consider the representation of the petitioners and to pass appropriate orders, on merits and in accordance with law.

6. Considering the limited relief sought for by the petitioners, this Court, without going into the merits of the claim made by the petitioners, directs the 1st respondent to consider the representations of the petitioner, dated 24.02.2016, and pass appropriate orders, on merits and in accordance with law, in the light of G.O.(2D) No.30, Commercial Taxes and Registration (A1) Department, dated 21.05.2015, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

7. These Writ Petitions are disposed of accordingly. No costs.

-s/d-
Assistant Registrar (CSV)

True Copy

Sub-Assistant Registrar

To

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Chennai-9.
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- +3 ccs to Ms.H.Arumugam Advocate sr.33449

Writ Petition No.20553 to 20555 of 2016

rsy(co)
aa29/06/2016