

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.A.No.415 of 2012

and

M.P.No.1 of 2012

1. The Government of Tamilnadu
rep. by its Secretary to Government,
Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
Madras - 600 006
3. The Chief Educational Officer,
Villupuram,
Villupuram District.
4. The District Elementary Educational Officer,
Villupuram,
Villupuram District. ... Appellants/Respondents

Vs

J.Poongothai

Assistant,

Government High School,

Mittamandagapattai.

सत्यमेव जयते

Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letter Patents Act
against the order dated 16.04.2010 in W.P.No.33784 of 2006.

W.P.No.33784 of 2006 : O.A.No.5406 of 1998 filed before the
Tamil Nadu Administrative Tribunal stood transferred to this
Court, which was filed praying to call for the records of the
first Respondent in relation to the letter No.30458/R2/94-10
dated 14.06.1995 issued by the frist Respondent and quash the
same and consequentially direct the respondent to regularise the
Petitioner's service in the post of Junior Assistant from the
date of re-appointment i.e. 29.06.1984 with service and monetary
benefits.

For Appellants : Mr.R.Ravichandran
Additional Government Pleader

For Respondent : Mr.R.Saseetharan

J U D G M E N T

(Order of the Court was made by HULUVADI G. RAMESH, J.)

The State has filed this Appeal as against the order passed by the learned single Judge made in W.P.No.33784 of 2006 dated 16.04.2010.

2. The respondent/petitioner was appointed as Junior Assistant in the Adult Education Unit, Thiruvallur, under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Services Rules dated 31.12.1981 through Employment Exchange. After expiry of three years of service, she was ousted from service for want of vacancy on 31.03.1984. However, once again, the respondent/petitioner was re-appointed as Junior Assistant on 29.06.1984. But her service was not regularised on the ground that she was not in service on 25.06.1984 as per G.O.Ms.No.996 dated 22.02.1984. As there was a ban imposed on appointment and the respondent/petitioner was reappointed on 29.06.1984 by the Chief Educational Officer. The grievance of the respondent/petitioner is that the State has not regularised the service either from the date of initial appointment or atleast from the date of re-appointment though she had put in service of more than 10 years. Therefore, the respondent/petitioner filed an application in O.A.No.5980 of 1984 for a direction to the respondent therein to regularise her service from the date of initial appointment namely 31.12.1981 and subsequently, a petition was filed to amend the prayer seeking for regularisation of service atleast from the date of re-appointment in 1984.

3. The specific contention of the respondent/petitioner was that she was entitled for regularisation of service in terms of G.O.No.259 P & A Department dated 24.08.1989 on the basis of the service rendered by her from 1981 to 1984. However, the Tribunal, by order dated 24.12.1994, issued a direction to regularise her service from 05.07.1984. Since the said direction was not complied with, the respondent/petitioner filed a Contempt Application for non-compliance of the said order dated 24.12.1994. When the Contempt Petition was filed, the State regularised the service of the respondent/petitioner, by proceedings dated 14.06.1995, w.e.f. 10.04.1990 on the ground that the Government has allotted the post of Junior Assistant

only on 10.04.1990. By order dated 23.02.1996, the District Educational Officer, Villupuram, regularised the service of the respondent/petitioner in the post of Junior Assistant w.e.f. 10.04.1990 on condition that the period of probation would be completed as per the condition imposed by the Rules. The Contempt Petition was closed giving liberty to the petitioner to make a representation to the respondents seeking regularisation of service from the date of initial appointment. Pursuant to the same, the petitioner submitted a representation dated 11.03.1997 to the respondents to regularise her service from the date of her initial appointment and not from the date of subsequent appointment. However, as no order was passed on such representation, the petitioner filed O.A.No.5406 of 1998 before the Tribunal. However, on abolition of the Tribunal, the matter was transferred to the file of this Court and re-numbered as W.P.No.33784 of 2006.

4. Pending disposal of the writ petition, the prayer was amended before this Court and the respondent/petitioner has challenged the order of the first respondent dated 14.06.1995, by which, the petitioner's service was regularised only with effect from 10.04.1990. The petitioner was sent for training on 31.12.1996 after regularisation of service by the order of the first respondent dated 14.06.1995 and the training commenced on 31.12.1996 and the completion of probation of the petitioner was ordered with effect from 28.02.1997, by proceedings, dated 06.06.1997. The petitioner was granted annual increment from March 1997 and she has been denied increments for the earlier period. The grievance of the petitioner is that though she was working from 31.12.1981 and subsequently, reappointed on 29.06.1984, her service ought to have been regularised at least from the date of reappointment and that she should have been given the increments. The regularisation of service with effect from 10.04.1990 on the ground that the post itself has been allotted only on that date is not legally sustainable. Therefore, it is stated that she is entitled to seek for regularisation from the date of her original appointment.

5. Referring to the judgment of this Court reported in 2006 (2) MLJ 339 (V. Perumal vs. Commissioner and Secretary to Government, Health and Family Welfare Department, Fort St.George, Chennai and others), it is stated that when the regularisation was made by the respondents, it cannot be prospective and it should date back to the original date of appointment and there is no justification on the part of the Government to restrict regularisation only from the date of the order. Based on the aforesaid decision, the learned counsel for the petitioner submitted that the petitioner ought to have been regularised from 05.07.1984 and not from 10.04.1990.

6. Learned single Judge, on considering the arguments advanced by the learned counsel for the petitioner and on perusing the Government Orders had found that the petitioner was reappointed as a fresh candidate on 05.07.1984. Learned single Judge has also held that the intention of the Government to issue the G.O. is clear by the usage of the words "from the date of their joining in the department allotted by the Government in future vacancies" and the words "date of their joining" would only construe that the ratification commences from the date of their re-entry into the department. Learned single Judge further held that the ratification was given on 10.04.1990 and therefore, the date of regularisation should date back to the original date of reappointment. The words "date of their joining" as used in the Government Order would make it clear that regularisation itself was given only to those persons who have earlier worked and as such regularisation will date back to the original date of appointment. Learned single Judge has further held that in the case on hand, the petitioner joined service on 05.07.1984, i.e., the date on which the petitioner joined after reappointment and therefore, accorded continuity of service and service benefits to the petitioner w.e.f. 05.07.1984. The State being aggrieved by the said order has filed the present Appeal before this Court.

7. The learned Additional Government Pleader appearing for the State relied on the judgment of the Apex Court reported in AIR 2011 SC 1193 (State of Rajasthan v. Daya Lal and others) wherein in paragraph No.8, it is held as follows:

8. We may at the outset refer to the following well settled principles relating to regularization and parity in pay, relevant in the context of these appeals:

(i) High Courts, in exercising power under Article 226 of the constitution will not issue directions for regularization, absorption or permanent continuance, unless the employees claiming regularization had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and courts should not issue a direction for regularization of services of an employee which would be violative of constitutional scheme. While something that is irregular for want of compliance with one of the

elements in the process of selection which does not go to the root of the process, can be regularized, back door entries, appointments contrary to the constitutional scheme and / or appointment of ineligible candidates cannot be regularized.

(ii) Mere continuation of service by an temporary or adhoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be 'litigious employment'. Even temporary, adhoc or daily-wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularization, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularization in the absence of a legal right.

(iii) Even where a scheme is formulated for regularization with a cut-off date (that is a scheme providing that persons who had put in a specified number of years of service and continuing in employment as on the cut-off date), it is not possible to others who were appointed subsequent to the cut-off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates.

(iv) Part-time employees are not entitled to seek regularization as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularization or permanent continuance of part-time temporary employees.

(v) Part-time temporary employees in government run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work. Nor can employees in private employment even if serving full time, seek parity in salary with Government employees. The right to claim a particular salary against the State must arise under a contract or under a statute.

8. The gist of the above decision, in essence, holds that mere continuation of service by temporary or adhoc or daily wage employee under the interim order of the Court would not confer upon an employee any right to be absorbed into service as the service will be litigious employment. Even temporary, adhoc or daily wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation since he is not working in the sanctioned post.

9. Referring to the above decision, learned Additional Government Pleader has challenged the very order of the learned single Judge wherein a direction has been given to the State to regularise the service of the petitioner and grant all the benefits to the respondent/ petitioner by dating back her appointment to July, 1997. Hence, the State is before this Court.

10. The specific case made out by the respondent/petitioner in the writ petition is that she had been initially appointed to the post of Junior Assistant on 31.12.1981 as per the list of candidates sponsored by the Employment Exchange under Rule 10(a)(i) of the State and Subordinate Services Rules. However, by order dated 31.03.1984, the petitioner was ousted from service for want of vacancy by the Chief Educational Officer of the South Arcot District. However, she was reappointed as Junior Assistant by order of the Chief Educational Officer, South Arcot District dated 29.06.1984 and she joined the post on 05.07.1984. The grievance of the respondent/ petitioner was that she has not been regularised even after completion of 10 years of service in the above said post. It is contended by the petitioner that the Government had appointed large number of candidates as Junior Assistant under Rule 10(a)(i) of the State and Subordinate Services Rules through Employment Exchange during the year 1980-1981 invoking the emergency provisions as the Government could not conduct regular competitive examination for making appointments. On 25.06.1984, the Government of Tamilnadu imposed a ban to fill up the temporary vacancies by the candidates sponsored from the Employment Exchanges. The candidates who were appointed between 15.11.1980 and 24.06.1984 made their claim for regularisation in services in the category of Junior Assistants, typists, etc. having regard to the length of their service. The Government by G.O dated 22.09.1984 ought to have regularised the service of the candidates who were appointed through Employment Exchange as on 25.06.1984 in their respective category. It is further stated that by G.O.No.259 P & A Department dated 27.04.1989, the Government having considered the request of the candidates who were appointed between 15.11.1980 and 24.06.1984 and who had completed one

year service continuously, but ousted from service, ought to have been absorbed and their service has to be regularised from the date of joining in the department in the future vacancies. In the above said G.O., it is also stated that the temporary candidates who were appointed between 15.11.1980 to 24.06.1984 and who had put in lesser than one year were allowed to participate in competitive examination conducted by the Tamil Nadu Public Service Commission by relaxing the age limit. So stating, the petitioner has contended that as per G.O.No.259 P & A Department dated 27.04.1989, she was appointed as Junior Assistant on 31.12.1981 and ousted from service on 31.3.1984 for want of vacancy and she has also put in one year service and in addition to that, she was once again re-appointed as Junior Assistant on 05.07.1984 but her service has not been regularised inspite of several representations, for which, she approached the Tribunal for regularisation of her service and the Tribunal has passed an order as under:-

"the applicant had worked as temporary Junior assistant from 31.12.1981 to 30.03.1984 and from 05.07.1984, following appointment of order dated 24.06.1984 and had been continuing and she is eligible for regularisation with reference to G.O.No.259 P&AR Department dated 27.04.1989 on the basis of the service from 1981 to 1984."

11. After the order was passed by the Administrative Tribunal, for non-compliance of the order, a Contempt Petition was filed in Contempt Petition No.343 of 1995 and the Government, by letter dated 14.06.1995, had regularised the service of the petitioner w.e.f. 10.04.1990. The grievance of the petitioner is that, ignoring the service rendered by her for the period 31.12.1981 to 31.01.1984 and the period from 05.07.1984 to 31.03.1990, her service has been regularised only from 10.04.1990. Therefore, she filed the second Original Application before the Tribunal in O.A.No.5406/1998 for regularisation of service from the date of initial appointment. However, after the abolition of the Tribunal, the said Original Application was transferred to the High Court and renumbered as W.P.No.33784 of 2006. The petitioner also amended the prayer sought for, to call for the records relating to the letter No.30458/R2/94-10 dated 14.06.1995 and quash the same and for consequential direction to the respondents to regularise her service in the post of Junior Assistant from the date of re-appointment i.e., 05.07.1984 in the place of original appointment on 31.12.1981. The amendment so sought for, was permitted.

12. The contention of the learned counsel for the respondent/petitioner is that the learned single Judge, by order dated 16.04.2010, has observed that the respondent/petitioner was reappointed as a fresh candidate on 05.07.1984 but the intention of the Government in issuing the order makes it clear that by using the word "from the date of joining the department allotted by the Government in future vacancies", the word "date of joining" would only construe that regularisation would commence from the date of their re-entry in the Department, but in the present case, regularisation was granted only w.e.f. 10.04.1990. The contention of the respondent/petitioner is that as per the decision of the learned single Judge, the date of regularisation will date back to the original date of appointment and in this case, the words "date of their joining" used in the Government order would make it clear that regularisation itself was given only to those persons who have worked earlier and as such regularisation will date back to the original date of appointment and stated that in the case on hand, the respondent/petitioner is entitled for regularization of service with effect from 05.07.1984, the date on which the respondent/petitioner joined duty on reappointment. As such, the contention of the respondent/petitioner is that she is entitled for regularisation of service w.e.f. 05.07.1984 with consequential benefits as ordered by the learned single Judge. It is also submitted that the learned single Judge interpreted the terms of G.O.Ms.No.259 dated 27.04.1989 and held that once the appointment is ratified, all the benefits will follow from the date of appointment and in this case, the petitioner is entitled for regularisation from the date of reappointment as noted above.

13. Reference has been placed on the decision reported in 2006 WLR 480 (R.Mohan v. Special Commissioner for revenue administration, Chepauk & another) and 2006(2) MLJ 339 (Perumal.V. v. Commissioner and Secretary to the Government, Health and Family Welfare Department, Chennai). The respondent/petitioner, relying upon the decision of this Court reported in 2006 Writ L.R. 480 (R.Mohan v. Special Commissioner for Revenue Administration, Chepauk & another) wherein reliance was placed on the decision of the Apex Court in 2001(3) SCC 328 (Buddhi Nath Chowdry & Others) and also based on G.O.Ms.No.259 dated 27.04.1989, wherein it was held that the candidates appointed between 15.11.1980 and 24.06.1984 through Employment Exchange and who had one year service or more with continuity of service or ousted from service before 24.06.2004 for want of vacancy, shall be absorbed in the Government service in future vacancies and that their appointment shall be treated as a fresh appointment and their service will be regularised only from the date of joining in the Department allotted by the Government.

14. Heard the learned Additional Government Pleader appearing for the State, learned counsel appearing for the respondent/petitioner and perused the pleadings and the counter affidavit and the decisions referred to by the respective parties.

15. The point that arises for consideration is whether the services of the respondent/ petitioner should be regularised by dating back her service from 5.7.1984 as held by the learned single Judge or to regularise from the year 1990 as contended by the State/ Appellant.

16. Normally, in the matter of appointment, extension of service benefits and regularisation of service as against the sanctioned post, the persons who are working on temporary, adhoc or in any other means, their services would be counted from the date of their absorption unless it is otherwise i.e., the date of regularisation as per the notification of the Government to fill up the vacancies/ existing vacancies and on such appointment, their service has to be treated as regularised and given the benefit of service thereon. However, in the case on hand, in the absence of such notification, to meet out the contingency, as and when vacancies arises for the purpose of effective functioning of the office, the persons are being posted on the recommendation of the Employment Exchange to various posts in the various Departments. As is evident from the facts of the case, the respondent/petitioner was appointed as Junior Assistant way back in December, 1981 under Rule 10(a) (i) of the Tamil nadu Subordinate Service Rules and that she was appointed in Adult Education Department at Tiruvallur by the Educational Officer. However, it is evident from the record that the respondent/petitioner has continuously served between 31.12.1981 and 31.03.1984 i.e., nearly 3 years. Thereafter, she was removed from service by way of ouster on the ground of want of vacancy. However, under Emergency provisions, the respondent/petitioner was reappointed as Junior Assistant by order of the Chief Educational Officer dated 29.06.1984 and pursuant to the re-appointment order, the respondent/petitioner joined the post on 05.07.1984. The Government issued G.O.Ms.No.996 Personal and Administrative Reforms (Personnel J) Department dated 22.09.1984 stating that the service of the candidates who were recruited through Employment Exchange under General Rule 10(a) (i) and who were in temporary service as on 25.06.1984 be regularised with effect from 25.06.1984. Subsequently, G.O.Ms.No.259 Personal and Administrative Reforms (P.R.J.) Department dated 27.04.1989 was issued for absorption in Government service in respect of the persons who were appointed temporarily under Emergency Provisions from the

Employment Exchange as Junior Assistants, Typists and Steno typists in various departments of Government in order to fill up the temporary vacancies that arose between 15.11.1980 and 24.06.1984 and the relevant portion of the Government Order reads as under :

The temporary Junior Assistants, Typists, and Steno Typists recruited to Tamilnadu Ministerial Service/ Tamilnadu Judicial Ministerial Service and Typists and Steno-typists recruited to Tamilnadu Secretariat Service through Employment exchange under General Rule 10(a)(i) between 15.11.1980 and 24.06.1984 and who had put in a service of one year or more, either continuously or with breaks and ousted from service on or before 24.06.1984 for want of vacancy and whose names were already forwarded by the heads of Departments/ Collectors to the Government alone shall be absorbed in Government Service regularly in future vacancies. Their absorption into Government service shall be treated as fresh appointments only and their services will be regularised only from the date of their joining in the department allotted by the Government in future vacancies. The rule of reservation (General) Rule 22 shall not apply to these candidates.

17. It is evident from the above that the intention of the Government was to regularise the service of the candidates who were recruited through the Employment Exchange between the period 15.11.1981 to 24.6.1984 and who had put in more than one year of service continuously and who had been ousted from service on or before 24.6.1984. Further, to accommodate those persons once again by reappointment and to continue them in service exception was also made that those persons who had put in less than one year of service and who were fully qualified for the respective posts are permitted to participate in the selection through Public Service Commission by relaxing the age limit prescribed. Admittedly, the respondent/petitioner has served during the period between 1981 and 1984 and has put in more than one year of service and was also absorbed in Government service by virtue of the said Government Order and she joined duty on 05.07.1984.

18. The contention of the respondent/petitioner is that though the absorption was during 1990, as against the vacancies created, since the Government thought of accommodating and

regularising the service of the persons similarly placed like the respondent/petitioner their appointment was made by way of second appointment with effect from June, 1984. The contention of the respondent/ petitioner is that she is entitled for the benefit of continuity of service as well as the service benefits from 1984 onwards though not atleast from 1981 when she was initially appointed and was ousted from service for want of vacancies and thereafter she was appointed during 1984 as reappointment and the above said fact form the basis for re-continuation of service from the date of second appointment for all practical and technical purposes.

19. Learned counsel for the respondent/ petitioner also referred to the decision of this Court reported in 2006 WLR 480 (R.Mohan v. Special Commissioner for Revenue Administration, Chepauk & another) wherein based on the decision of the Apex Court reported in 2001 (3) SCC 328 (Buddhi Nath chowdry & Others v. Abahi Kumar and others), it is observed in paragraph No.5 as follows:

5. I have heard the learned counsel on either side. The decision in W.P.No.6605 of 1988 and the Supreme Court decision cited supra squarely apply to the facts of this case. Petitioner having been appointed in the year 1973, assuming his appointment is irregular, following the proposition laid down in the Supreme court in the above cited decision, I hold that in this case only a formal ratification is required, but instead, the reversion order now made is totally unwarranted. The irregular appointment, if is ratified, will definitely confer a right on the petitioner to get his appointment ratified from the date of initial appointment. Therefore, the impugned order is liable to be set aside.

20. Per contra, learned Additional Government Pleader for the State referring to the judgment of the Apex Court reported in AIR 2011 SC 1193 (State of Rajasthan v. Daya Lal and others) in paragraph No.8 contended that mere continuation of service of a temporary or adhoc or daily wage employee under cover of some interim orders of the court would not confer upon him any right to be absorbed into service and they are not entitled to claim any regularisation dating back to the second appointment if he is not working against a sanctioned post and it is also observed that sympathy and sentiment cannot be the grounds for passing any order of regularisation in the absence of a legal right.

21. The judgment of the Apex Court referred to by the learned Additional Government Pleader specifically states that the continuity of service of a temporary or adhoc or daily wage employee pursuant to the interim order being passed by the court would not confer any right to be absorbed into service as it would be litigious employment. That being the case, in the absence of any sanctioned post, such absorption, cannot be treated as regularisation.

22. In the year 1984, pursuant to G.O.Ms..No.259 , when the vacancies were filled up, the appointment of the respondent/petitioner was made and she joined service on 5.7.1984. The contention of the learned counsel for the respondent/ petitioner is that in the said G.O., the condition precedent is that the person recruited through Employment Exchange and who have put in one year or more of service continuously during the period between 1981 and 1984 are qualified to be reappointed and it does not mean that the reappointment sought to be made by the State is to fill up the vacancies but necessarily it refers to the existing vacancies / sanctioned post.

23. In this context it is relevant to point out the judgement of the Apex Court reported in 2006 WLR 480 (R.Mohan v. Special Commissioner for Revenue Administration, Chepauk & another) wherein it is held that irregular appointment, if it is ratified, will definitely confer a right to get his appointment ratified from the date of initial appointment. The above dictum is based on the decision rendered by the Apex Court wherein it is held that if the candidate had been appointed in the year 1973, even assuming that his appointment was made irregularly, it is held that irregular appointment, if it is ratified, will definitely confer a right on the individual. In the case on hand, it is not a question of irregular appointment. It is a matter of normal practise that when vacancies arises or as and when there is need for the purpose of running the daily official routine, persons are being posted through Employment Exchange to various posts in the various Departments, necessarily as adhoc arrangement. In the case on hand, the appointment of the respondent/ petitioner along with some others was made during the year 1981 on adhoc arrangement for want of vacancy and work was extracted. Subsequently, realising that there was no existing vacancies, their appointments came to be cancelled in 1984. However, after a lapse of three months, having chosen to fill up the vacancies, the persons who had already served based on appointment through employment exchange and who have put in a service of one year or more between the period from 1981 to 1984, were once again taken into service and their services were decided to be regularised from 26.04.1984.

24. So far as the case of the respondent/petitioner is concerned, she was reappointed on 29.06.1984 and she joined duty on 05.07.1984. This depicts the fact that the service of the respondent/petitioner was required. Therefore, it is deemed that her appointment was made on regular vacancy and as such her service was extended though she was conferred with regularisation in the sanctioned post only in 1990. The learned single Judge referring to the fact that her appointment was made way back during 1984, therefore, held that her service has to be regularised from 1984.

25. In the judgment of the Apex Court reported in AIR 2011 SC 1193 (State of Rajasthan v. Daya Lal and others), relied by the learned Additional Government Pleader, it is held that even the temporary or adhoc or daily wage employee who has served for long number of years. will not be entitled for regularisation if he is not working in the sanctioned post.

26. However, in the case on hand, this Court is of the considered view that if the appointments as were made during 1984 by way of second appointment to the post held by respondent/ petitioner, after ousting her from service during March 1984 for want of vacancy service, in which, service she joined in the first week of July 1984, it has to be clarified as to whether her appointment was made in the sanctioned post or whether her appointment is in a temporary vacancy. If the post was available on the date of reappointment, necessarily it is a sanctioned post as claimed by the respondent/petitioner and she has to be appointed on regular basis and her service has to be continued else her service has to be treated as regular only from 10.04.1990 as it is specifically noted it was against the sanctioned post. In this regard, the appellant department has to work out as to whether on the date of the second appointment made during July 1984, the appointment made was against a sanctioned post on regular vacancy or only an adhoc arrangement. If the post of the respondent/ petitioner on the date of absorption was against the sanctioned vacancy, then the benefit of regularisation of service has to be extended from 1984. However, if the post was sanctioned only during 1990 and the respondent/ petitioner was appointed temporarily from 1984, necessarily her appointment has to be treated to be on regular basis only from 1990 and not from 1984.

27. It is for the Appellant Department to work out the modalities as mentioned above based on the records and the service benefits have to be extended either from 1984 or 1990 based on the appointment of the respondent/ petitioner against the sanctioned post. The said exercise shall be completed by

the appellant/ Department within three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government of Tamilnadu,
Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
Madras - 600 006
3. The Chief Educational Officer,
Villupuram,
Villupuram District.
4. The District Elementary Educational Officer,
Villupuram,
Villupuram District.

+1cc to Mr.R.Saseetharan, Advocate, S.R.No.26466
+1cc to the Government Pleader, S.R.No.26635

W.A.No.415 of 2012
and
M.P.No.1 of 2012

NRJK(CO)
CA(22/06/2016)

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