

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.06.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.A. NO. 575 OF 2016

AND

C.M.P. NO. 7610 OF 2016

1. State of Tamil Nadu rep. By its
Secretary to Government
Animal Husbandry Department
Secretariat, Chennai 600 009.
2. The Director of Animal Husbandry
and Veterinary Services
Chennai 600 006. ... Appellant/Respondents

- Vs -

K.Murugesan ... Respondent/Petitioner

Writ Appeal filed against the order dated 28.08.2012 passed by the learned single Judge in W.P. No.20963 of 2012.

Writ Petition No.20963 of 2012 filed for issuing a Writ of Mandamus directing the respondents to consider and appoint the petitioner as Animal Husbandry Assistant by extending the benefit of the order dated 20.10.2011 in Writ Petition No.6963 of 2007 and after considering his request dated 25.10.2011 with all attendant benefits including seniority and monetary benefits and award costs

For Appellant : Ms. Srijevanthi, Spl. G.P.

For Respondents : Ms. N.A.Thara

ORDER

(DELIVERED BY HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and the learned counsel appearing for the respondent.

2. Aggrieved by the order passed by the learned single Judge in directing the appellants herein to extend the benefit of the order dated 20.10.2011 passed in W.P. No.6963/2007 to the petitioners/respondent herein and appoint them if they satisfy all other requirements, including qualification, etc., the appellant has come before this Court contending that the petitioners/respondent herein is only a part-time/temporary worker and, therefore, he cannot be absorbed or regularised.

3. For better appreciation of the case, it would be useful to extract the relevant portion of the order passed by the learned single Judge, which reads as under :-

"5. In view of the above Government Order and the letter of the P&AR Department these writ petitions are allowed with a direction to the respondents to extend the benefit of the order dated 20.10.2011, passed in W.P. No.6963 of 2007 to the petitioners herein and appoint them if they satisfy all other requirements including qualification, etc. Consequently, the connected miscellaneous petitions are closed."

4. A careful reading of the direction passed by the learned single Judge would disclose that the learned single Judge, referring to W.P. No.6963/07, has made it clear that only on the petitioners satisfying all the other requisite conditions including qualification, etc. they can be absorbed in the posts as per the relevant circulars and statutory rules. That being the case, there being no ambiguity with the order of the learned single Judge and the order being a conditional order, the grievance expressed by the appellants herein does not arise.

5. In the above circumstances, this Court finds no reason to interfere with the order passed by the learned single Judge. Accordingly, this writ appeal fails and the same is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
State of Tamil Nadu
Animal Husbandry Department
Secretariat, Chennai 600 009.
2. The Director of Animal Husbandry
and Veterinary Services
Chennai 600 006.

+lcc to the Government Pleader Sr.30140

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srg 11/07/2016



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