

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.30757 of 2016

S.Rajamanickam

.. Petitioner

vs.

- 1.The Secretary to Government of Tamil Nadu,
Panchayat and Rural Development Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director,
Rural Development Department,
Panagal Building, Saidapet,
Chennai-600 015.
- 3.The District Collector,
O/o. The District Collector,
Nagapattinam,
Nagapattinam District.
- 4.The Personal Assistant (Panchayat
& Rural Development),
to the District Collector,
O/o.The District Collector,
Nagapattinam,
Nagapattinam District.
- 5.The Commissioner/Block Development Officer,
Sirkali Panchayat Union,
Sirkali, Nagapattinam District.
- 6.The District Elementary Educational Officer,
O/o. The District Elementary Educational Officer,
Nagapattinam,
Nagapattinam District.
- 7.The Assistant Elementary Educational Officer,
Sirkali, Nagapattinam District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to regularize the petitioner's service from 27.05.1985 as per G.O.Ms.No.267 dated 22.12.1999 by paying all monetary and pensionary benefits based on his representation dated 01.04.2016.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.L.Jagadish,
Special Government Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to regularize the petitioner's service from 27.05.1985 as per G.O.Ms.No.267 dated 22.12.1999 by paying all monetary and pensionary benefits, based on his representation dated 01.04.2016.

2. The grievance expressed by the petitioner is that though as per G.O.Ms.No.878 dated 27.05.1985, he is eligible to get regularization from 27.05.1985, his service has been wrongly regularized from 26.06.2000, which resulted in loss of six years monetary benefits and when the petitioner approached the fifth respondent, he was informed that from 01.04.1981 there is a ban for appointment, however based on fifth respondent recommendations, the petitioner's service has been regularized without considering the ban. The appointment of the petitioner to the post of Night Watchman during the ban period was not on his fault and it was only the fifth respondent and its appointment committee. The petitioner rendered his service continuously from 27.05.1985 till the date of his retirement and however, his case was not considered for regularization on the ground that he was appointed during the ban period. The petitioner, in this regard, made repeated representations to the respondents requesting them to regularize his service from 27.05.1985 as per G.O.Ms.No.267 dated 22.12.1999 and since no response was forthcoming, came forward to file this writ petition.

3. Heard the submissions of Mr.S.Kumaradevan, learned counsel appearing for the petitioner, Mr.L.Jagadish, learned Special Government Pleader appearing for the respondents and also perused the materials placed before it.

4. This Court, without going into the merits of the petitioner's representation dated 01.04.2016, permits the petitioner to submit one more representation by enclosing a copy of this order within a period of one week from the date of

receipt of a copy of this order to the respondents 1 and 2, who on receipt of the same, shall pass orders on merits and in accordance with law within a period of six weeks thereafter.

5. This Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

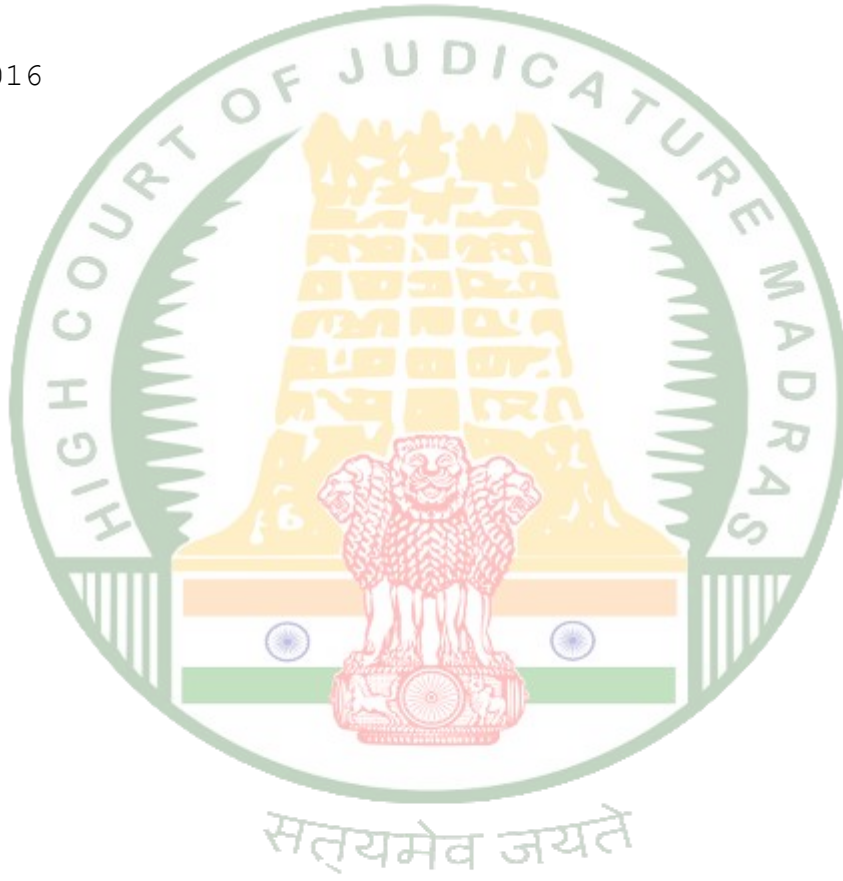
To

- 1.The Secretary to Government of Tamil Nadu,
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Nagapattinam District.
- 7.The Assistant Elementary Educational Officer,
Sirkali, Nagapattinam District.

+1 cc to Mr.S.Kumara Devan Advocate vide sr 51776
+1 cc to Government pleader sr51921

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