

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33896 of 2016

And

W.M.P.No.29264 of 2016

R.Mohanakrishnan

... Petitioner

Vs.

- 1 State represented by Secretary to
Government Transport Department,
Fort St.George, Chennai – 600 009.
- 2 The Director,
Tamilnadu Motor Vehicles Maintenance Department,
Chepauk, Chennai – 600 005. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to regularize the service of the petitioner from the date of his initial appointment and provide all consequential service benefits by holding that the date of regularization of the petitioner from the artificial date 22.03.1990 as unconstitutional and ultravires.

For Petitioner : Ms.M.Srividhya
For Respondents : Mr.R.Venkatesh
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondent to regularize the service of the petitioner from the date of his initial appointment and provide all consequential service benefits by holding that the date of regularization of the petitioner from the artificial date 22.03.1990 as unconstitutional and ultravires.

3.In the affidavit filed in support of this petition, it has been stated that the petitioner was selected for appointment to the post of Electrician Grade – II through Employment Exchange on merits and he joined the service on 06.07.1984 and at the time of appointment, the petitioner got his name registered in the Employment Exchange and his employment Registration Number is XO 2010 dated 28.06.1984. Thereafter, after a lapse of 31 years, he was given promotion to the post of Electrician Grade – I in February, 2015.

4.It is further stated that the service of the candidates appointed temporarily to the above said post in the same cadre were regularized with effect from the date of appointment, whereas, the petitioner's

services alone were not regularized. Thereafter, after the representation of the petitioner, the respondents regularized the petitioner's service with effect from the date of promotion. Hence, the petitioner lost six years for no fault on his part. While passing the orders of regularisation, the respondent has wrongly mentioned the condition regarding sponsorship from the employment for regularisation and previous experience. In fact the petitioner's appointment was made to the permanent post with proper qualification after following the due procedure prescribed by law. Hence, the petitioner made a representation dated 14.08.2016, to the first respondent, but the same has not yet been considered. Hence, this petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate who takes notice for the respondents.

6. Though this writ petition has been filed for a positive direction, this Court is not inclined to give any positive direction. Hence, this Court directs the petitioner to give copy of the representation dated 14.08.2016 along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order

and the respondents on receipt of the same, is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

7.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

8.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

27.09.2016

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Index: Yes / No
Internet: Yes / No

To

- 1 State represented by Secretary to
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Fort St.George, Chennai – 600 009.
- 2 The Director,
Tamilnadu Motor Vehicles Maintenance Department,
Chepauk, Chennai – 600 005.

R.SUBBIAH,J.

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