

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.10.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.35048 of 2016

M.Sabapathy

... Petitioner

vs.

1. The State rep. by the Secretary
to Government,
Tamil Nadu Animal Husbandry, Dairying
and Fisheries Department,
Fort St. George,
Chennai-600 009.
2. The Director,
Animal Husbandry, Dairying
and Fisheries Department,
Chennai-6.
3. The Regional Joint Director,
Tamil Nadu Animal Husbandry Department
and Veterinary Hospital,
Thiruvavarur District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 29.08.2016 and to consequently, regularise the petitioner's services with effect from the date of joining duty as Animal Husbandry Assistant and grant all consequential benefits flowing therefrom.

For Petitioner : M/s.Swarnam J.Rajagopalan

For Respondents : Mr.C.Jagadish,
Spl.G.P.

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 29.08.2016 and to consequently, regularise the petitioner's services with effect from the date of joining duty as Animal Husbandry Assistant and grant all consequential benefits flowing therefrom.

2. According to the Writ Petitioner, he joined the office of the 3rd respondent on 15.12.1989 on daily wages basis and his services were regularised w.e.f. 13.07.1999. The Government of Tamil Nadu vide G.O.Ms.No.117, the Animal Husbandry, Dairying and Fisheries Department, dated 28.08.2008, decided to regularise the Animal Husbandry Assistants. Accordingly, the petitioner is entitled for increment with effect from the date of one year after the completion of the regularisation. But, he has been regularised w.e.f. 28.08.2008 contrary to all prevailing practice and in view of the same, the petitioner is forced to work under his juniors.

3. Now the grievance of the petitioner is that the respondents ought to have regularised the service of the petitioner w.e.f. 13.07.1999 instead of 28.08.2008. In an identical case, the 1st respondent herein had passed G.O.Ms.No.49, dated 20.02.2013 pursuant to the order of this Court made in W.P.No.7049 of 2009 dated 17.08.2011 and the 1st respondent in that case had retrospectively regularised the services of the said Writ Petitioner S.Mathiyazhangan as Animal Husbandry Assistant w.e.f. the date of joining duty and also sanctioned increment w.e.f. one year after the date of regularisation. Therefore, the petitioner is also entitled for the same treatment.

4. In this regard, the petitioner has made several representations to the 1st respondent through the 3rd respondent on various dates and finally on 29.08.2016. But no action has been taken on the same. Hence, the present Writ Petition by the Writ Petitioner.

5. Heard the learned Counsel for the petitioner and the learned Special Government Pleader, who takes notice on behalf of the respondents.

6. Considering the facts and circumstances of the matter, this Court directs the 1st respondent to consider the representation of the petitioner dated 29.08.2016 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Tamil Nadu Animal Husbandry, Dairying
and Fisheries Department,
Fort St. George,
Chennai-600 009.

2. The Director,
Animal Husbandry, Dairying
and Fisheries Department,
Chennai-6.

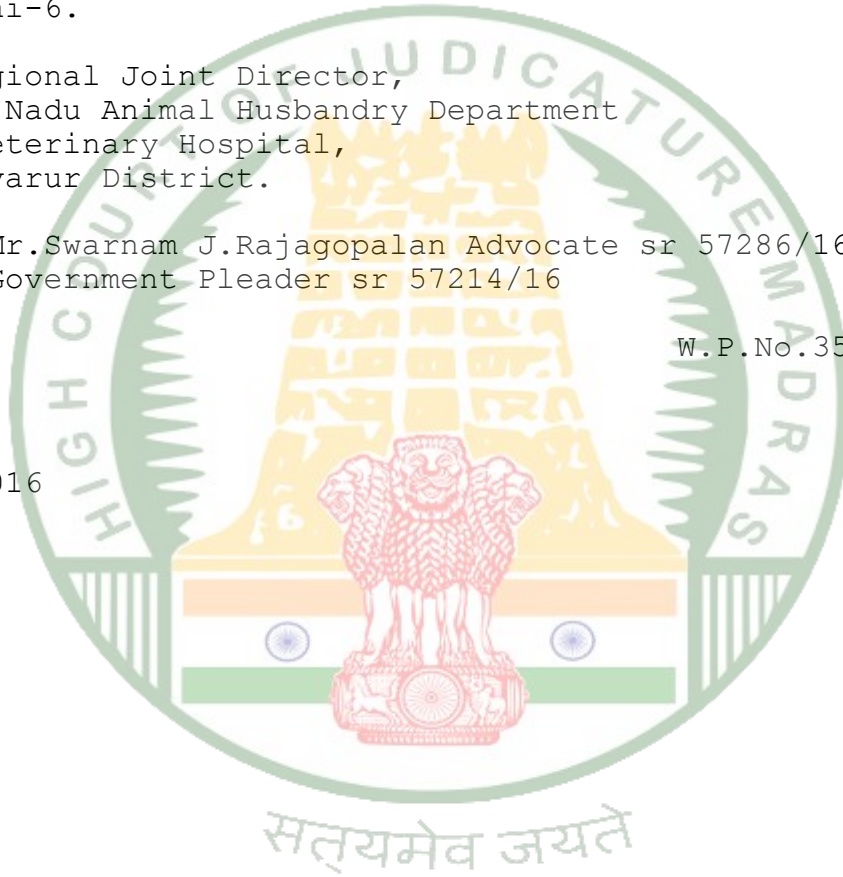
3. The Regional Joint Director,
Tamil Nadu Animal Husbandry Department
and Veterinary Hospital,
Thiruvavur District.

+1 cc to Mr.Swarnam J.Rajagopalan Advocate sr 57286/16

+1 cc to Government Pleader sr 57214/16

W.P.No.35048 of 2016

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