

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37236 of 2016

S.Chandrasekar

... Petitioner

Vs.

- 1 The State : represented by
The Secretary to Government
Tamil Nadu Animal Husbandry Dairying and
Fisheries Department,
Fort St. George,
Chennai - 600 009.
 - 2 The Director
Tamil Nadu Animal Husbandry, Dairying and
Fisheries Department,
Chennai - 600 006.
 - 3 The Regional Joint Director
Tamil Nadu Animal Husbandry Department and
Veterinary Hospital,
Tiruvarur District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India 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.

For Petitioner : Mr.Swarnam J.Rajagopalan

For Respondents : Mr.C.Jagadish

Special Government Pleader

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 first 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.

3.According to the Writ Petitioner, he joined the office of the third respondent on 16.06.1991 on daily wages basis and his services were regularised with effect from 01.12.1998. 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 with effect from 28.08.2008 contrary to all prevailing practice and in view of the same, the petitioner is forced to work under his juniors.

4.Now the grievance of the petitioner is that the respondents ought to have regularised the service of the petitioner with effect from 01.12.1998 instead of 28.08.2008. In an identical case, the first 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 first respondent in that case had retrospectively regularised the services of the said Writ Petitioner S.Mathiyazhagan as Animal Husbandry Assistant with effect from the date of joining duty and also sanctioned increment with effect from one year after the date of regularisation. Therefore, the petitioner is also entitled for the same treatment.

5.In this regard, the petitioner has made several representations to the first respondent through the third 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.

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

7.Considering the facts and circumstances of the matter, this Court directs the first 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.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary to Government
Tamil Nadu Animal Husbandry Dairying and
Fisheries Department,
Fort St. George,
Chennai - 600 009.
- 2 The Director
Tamil Nadu Animal Husbandry, Dairying and
Fisheries Department,
Chennai - 600 006.
- 3 The Regional Joint Director
Tamil Nadu Animal Husbandry Department and
Veterinary Hospital,
Tiruvavur District.

+1cc to Mr.Swarnam J. Rajagopalan Advocate, S.R.No.61310
+1cc to the Government Pleader, S.R.No.61578

EV (CO)
md (15/11/2016)

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