

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41844 of 2016

V.Muthuramalingam

... Petitioner

Vs

1. The Secretary to Government
Animal Husbandry Diary & Fisheries
Development Dept.
Fort St. George Chennai 9.
2. The Commissioner of Animal Husbandry
Chennai 6.
3. The Regional Director
Thanjavur Region Animal Husbandry Dept.
Thanjavur 613 001.
4. The Deputy Director of Animal Husbandry
Exotic Cattle Breeding Farm
Etchankkottai Orathanadu TK
Thanjavur 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 and pass orders on the petitioners representation dt 20.7.2016 thereby direct the 1st respondent to regularize the petitioner as Animal Husbandry Assistant in Exotic Cattle Breeding Farm Etchankkottai.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider and pass orders on his representation dated 20.7.2016 thereby direct the first respondent to regularize his service as Animal Husbandry Assistant in Exotic Cattle Breeding Farm, Eatchankkottai.

3. It is the case of the petitioner that he joined service as Casual Labourer in Exotic Cattle Breeding Farm, Eatchankkottai, during the year 1986. He had continued as such till 31.3.1992. Thereafter, the Additional Director of the Farm refused to allow him without passing any order, against which, he raised an industrial dispute in I.D.No.156 of 1993 and the Labour Court passed an order dated 18.12.1997 directing the management to reinstate the petitioner into service with continuity of service and back wages with effect from 1.4.1993. Against the said order, the Additional Director of the Farm filed a writ petition before this Court in W.P.No.16907 of 1998 and the same was also dismissed. Since no appeal was filed as against the said order, the order made in I.D.No.156 of 1993 has become final. Thereafter, the fourth respondent re-instated him as Casual Labourer on daily wage basis by order dated 24.9.2010 and he has been working as such today. While so, the Government considering the plight of various casual labourers, issued G.O.Ms.No.116, Animal Husbandry and Fisheries Department dated 7.5.1997 thereby decided to bring the casual labourers under regular establishment in a phased manner and based on the said GO, the Government initially sanctioned 826 posts of Animal Husbandry Assistant in the Animal Husbandry Department with pay scale of Rs.775-12-835-15-1030. Subsequently, the Government issued orders in G.O.Ms.No.17, Animal Husbandry and Fisheries Department dated 3.2.2004 thereby regularizing the services as Animal Husbandry Assistants from the date of joining the said post. Since the petitioner is also similarly placed person, he made a detailed representation to the first respondent on 20.7.2016 seeking regularization of his service based on the said GO. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a copy of the representation dated 20.7.2016 along with a copy of this order

to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking regularization of his service as Animal Husbandry Assistant in Exotic Cattle Breeding Farm, Eatchankkottai and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Secretary to Government
Animal Husbandry Diary & Fisheries
Development Dept.
Fort St. George Chennai 9.
2. The Commissioner of Animal Husbandry
Chennai 6.
3. The Regional Director
Thanjavur Region Animal Husbandry Dept.
Thanjavur 613 001.
4. The Deputy Director of Animal Husbandry
Exotic Cattle Breeding Farm
Etchankkottai Orathanadu TK
Thanjavur District.

+1cc to Mr.S.Thirumavalavan, Advocate, S.R.No.70267

+1cc to the Government Pleader, S.R.No.70603

W.P.No. 41844 of 2016

PK(CO)
CA(08/12/2016)