

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.42198 and 42199 of 2016

R.Karunanithi

... Petitioner in
W.P.No.42198/2016

V.Sadhasivam

... Petitioner in
W.P.No.42199/2016

vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary to Government Animal
Husbandry Dairying & Fisheries Department
fort St. George Chennai-9.
- 2 The Commissioner and Director
of Animal Husbandry and Veterinary Services
DMS Building Chennai-6.
- 3 The Regional Joint Director
Animal Husbandry Department Thiruvavur
Thiruvavur District.
- 4 The Assistant Director
Animal Husbandry Department Mannargudi
Thiruvavur District.

... Respondents in
both the writ petitions.

WP.No.42198 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1st respondent to consider the petitioners representation dated 01.04.2016 and pass orders on the same in regard to regularization of service from the date of initial appointment as was given to similarly placed person Mr.Thiyagarajan in G.O(Ms)No.185 Animal Husbandry Dairying and fisheries (AH6) Department dated 22.09.2015 on the basis of order of the Honourable Division Bench of this Court in W.A.No.1271 of 2012 dated 23.04.2014 and the same was confirmed by the Honourable Apex Court of India in SLP (CC).No.14588 of 2015 dated 15.09.2015.

WP.No.42199 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus

directing the 1st respondent to consider the petitioners representation dated 01.04.2016 and pass orders on the same in regard to regularization of service from the date of initial appointment as was given to similarly placed person Mr.Thiyagarajan in G.O(Ms)No.185 Animal Husbandry Dairying and fisheries (AH6) Department dated 22.09.2015 on the basis of order of the Honourable Division Bench of this Court in W.A.No.1271 of 2012 dated 23.04.2014 and the same was confirmed by the Honourable Apex Court of India in SLP (CC).No.14588 of 2015 dated 15.09.2015.

For Petitioner : Mr.K.Sannjay
in both the writ petitions.

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader,
in both the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The present writ petitions have been filed for a mandamus, directing the first respondent to consider the petitioners' representation dated 1.4.2016 and pass orders on the same in regard to regularization of service from the date of initial appointment as was given to similarly placed person Thiyagarajan in G.O(Ms)No.185, Animal Husbandry Dairying and fisheries (AH6) Department dated 22.9.2015 on the basis of order of the Division Bench of this Court in W.A.No.1271 of 2012 dated 23.4.2014, which same was confirmed by the Hon'ble Supreme Court of India in SLP (CC).No.14588 of 2015 dated 15.9.2015.

3. It is the case of the petitioners that they were initially appointed as Daily Wages Casual Labourers in the year 1989 and 1985 respectively through employment exchange in the office of the Deputy Director, Exotic Cattle Breeding Farm, Eachankottai, Orathanadu, Thanjavur District and continued as such till 2.3.1999 and 1.2.1998 respectively. 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. As per the said order, the petitioners and others were brought into regular establishment in the regular time scale of pay and were appointed temporarily as Animal Husbandry Assistants in the time scale of pay of Rs.2610-60-3150-65-3540 temporarily and on 3.3.1999 and 2.2.1998, they joined duty. Though, the service of the persons like that of the petitioners were regularized with effect from the date of initial appointment, the services of the petitioners were regularized only

from the date of issuance of G.O.Ms.No.117, Animal Husbandry and Fisheries Department dated 28.8.2008. Hence, the petitions.

4. Learned counsel appearing for the petitioners submitted that similarly placed persons like that of the petitioners viz., B.Rajendran, N.Thirunavukarasu, R.Krishnasamy and Thiagaraj filed writ petitions before this Court in W.P.Nos.26753, 17559 and 26962 of 2008 for regularization from the date of regular appointment and the said writ petitions were dismissed, against which, they preferred writ appeals in W.A.Nos.226, 490 and 1271 of 2012 and the same were allowed. Against the said judgment, SLP were filed before the Hon'ble Supreme Court and the same were dismissed. Pursuant to the said judgment, the respondents have complied with the said order and regularized their services from the date of their initial appointment vide G.O.Ms.No.185, Animal Husbandry, Dairying and Fisheries Department dated 22.9.2015. Since the petitioners are also similarly placed, they are also entitled for the similar relief.

5. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

6. 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 petitioners, this Court directs the petitioners to send a copy of the representation dated 1.4.2016 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 their service from the date of initial appointment and pass appropriate orders, on merits and in accordance with law and also on the basis of G.O(Ms)No.185, Animal Husbandry Dairying and fisheries (AH6) Department dated 22.9.2015, within a period of eight weeks thereafter. Both the writ petitions are disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

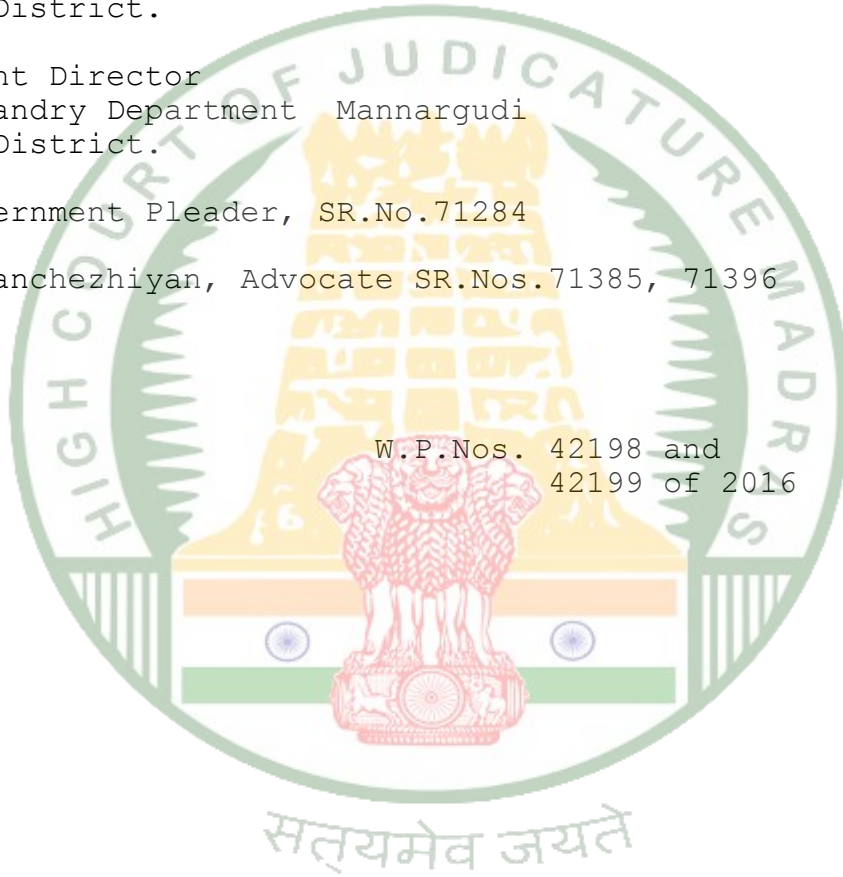
- 1 The Secretary to Government Animal Husbandry Dairying & Fisheries Department fort St. George Chennai-9.
- 2 The Commissioner and Director of Animal Husbandry and Veterinary Services DMS Building Chennai-6.
- 3 The Regional Joint Director Animal Husbandry Department Thiruvavarur Thiruvavarur District.
- 4 The Assistant Director Animal Husbandry Department Mannargudi Thiruvavarur District.

+1 CC to The Government Pleader, SR.No.71284

+2 CC's Mr. G.Elanchezhiyan, Advocate SR.Nos.71385, 71396

CO-RSY

ths : 30.12.2016



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