



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.22510 of 2016

B.Muthu Mayan

.. Petitioner

Vs.

1.Government of Tamil Nadu,
Rep.by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.

2.The Commissioner / Director of Survey and Settlement,
Chepauk, Chennai.

3.The Additional Director of Survey and Land Records
Chepauk, Chennai.

4.The Assistant Director of Survey and Land Records
Madurai Division,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2 and 4 respondents to regularise the service of the petitioner from the date of petitioner initial appointment as per G.O.Ms.No.996 P and A reforms (placements) department dated 22.09.1984 and to give notional promotion to the petitioner and to pay the monetary benefits retrospectively.

For Petitioner ... Mr.P.Andiraj

For Respondents ... Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the respondents 2 and 4 to regularise the service of the petitioner from the date of petitioner initial appointment as per G.O.Ms.No.996 Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984 and to give notional promotion to the petitioner and to pay the monetary benefits retrospectively.

2.Heard the learned counsel for the petitioner and the



learned Special Government Pleader for the respondents.

3.The petitioner is a candidate sponsored by the employment exchange. By the proceedings dated 13.11.1984 of the Madurai Special Assistant Director (Survey and Land Records), he was appointed as Surveyor cum draftsman on consolidated pay under the first respondent department at Periyakulam on 15.11.1984. From 1984 to 1993, he served in the respondent department on consolidated pay.

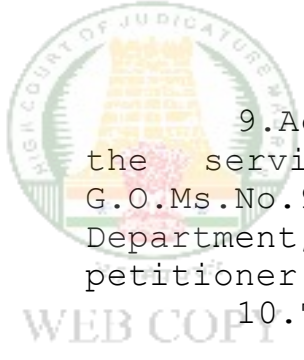
4.The fourth respondent by proceedings dated 10.09.1993 considering the seniority of the petitioner, appointed him as a Surveyor/Draftsman with the time scale of pay under Rule 10(a)(i) of the State Government and posted to work in the office of the Inspector of Survey and Land Records. Later on, he was promoted as Maintenance Firka Surveyor in the year 2004. Later, he was promoted as a Sub Inspector of Survey in the year 2005. He retired from service in the year 2015, as Sub Inspector of Survey in the third respondent office.

5.The petitioner's service ought to have been regularised from the date of his initial appointment. But his service was regularised only from the year 1996. He was deprived of his service and monitory benefits in respect of the period from 1984 to 1996. In the meantime, the Government has issued order in G.O.Ms.No.996, Personnel and Administrative Reforms (placements) Department, dated 22.09.1984, with regard to absorption of Government employees. It was ordered by the Government that service of all temporary personnel in the category of Junior Assistant, typist and steno-typist in the Tamil Nadu Ministerial Service/Tamil Nadu Judicial Ministerial Service recruited through employment exchange and who were in service as on 25.06.1984 be regularised, with effect from 25.06.1984 in the same category and in the same department, in which they were working.

6.Despite the availability of Government Order, the respondents acted in violation of the Government Order and regularised the services of the petitioner with effect from 1996 only. He was entitled for regularisation of his services from the date of his initial appointment as Junior Assistant with all consequential benefits.

7.This Court in W.P.(MD)Nos.12477 and 12478 of 2007, dated 25.03.2014, has passed an order regularising the services of the similarly placed employees with effect from 25.06.1984.

8.It is not in dispute that the petitioner was in service as on 25.06.1984. According to the G.O.Ms.No.996, dated 22.09.1984, the services of the employees, who were in service in the Ministerial Service, as on 25.06.1984, are to be regularised with effect from 25.06.1984. Therefore, the petitioner is also entitled for regularisation from the date of appointment.



9. Accordingly, the respondents are directed to regularise the services of the petitioner from 15.11.1984, as per G.O.Ms.No.996, Personnel and Administrative Reforms (placements) Department, dated 22.09.1984 and to give notional promotion to the petitioner and to pay the monetary benefits retrospectively.

10. This writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(WRIT)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 9.
2. The Commissioner / Director of Survey and Settlement,
Chepauk, Chennai.
3. The Additional Director of Survey and Land Records,
Chepauk, Chennai.
4. The Assistant Director of Survey and Land Records,
Madurai Division, Madurai District.

+1 cc to MR.P.Andiraj, ADVOCATE, SR NO: 72841

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 72673

rj2

AAM SV MMS 06.02.2017 3P 7C

Writ Petition (MD) No.22510 of 2016
24.11.2016