



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

CORAM

WEB COPY

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22767 of 2016

G.Ambikapathi

... Petitioner

-vs-

- 1.Government of Tamilnadu,
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 Reforms,
Chepauk, Chennai.
- 4.The Assistant Director of Survey
and Land Reforms,
Madurai - 20, 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 respondents 2 and 4 to regularise the service of the petitioner from the date of his initial appointment as per G.O.Ms.No.996 P and A reforms (placements) department dt. 22.09.1984 and to give notional promotion to the petitioner and to pay the monetary benefits retrospectively.

For petitioner
For Respondents

... Mr.P.Andiraj
... Mr.A.Muthukaruppan
Additional 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 his 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.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner joined duty (having been sponsored by the employment exchange) and by the proceedings of the Dindigul Special Assistant Director (Survey and Land Records) he was appointed as a section writer (Junior Assistant) in the office of the first respondent department at Melur. From 1984 to 1996, he served in the respondent department under consolidated pay.

4. The fourth respondent by the proceedings dated 31.05.1996 considering the seniority of the petitioner, appointed him as a Surveyor with the time scale of pay under Rule 10(a)(1) of the General Rules for the Tamil Nadu State and Subordinate Services Rules. Later on, he was promoted as a Firka Surveyor in the year 2004. He retired from service in the year 2009, as Firka Surveyor in Usilampatti Taluk.

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 monetary benefits in respect of the period from 1983 to 1996. In the meantime, the Government has issued an 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 Section Writer (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 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 25.06.1984.



9. Even though notional promotion has been sought for in the petition, the learned counsel for the petitioner would submit that the prayer is restricted to regularisation alone.

10. Accordingly, the respondents are directed to regularise the service of the petitioner from the date of his initial appointment as per G.O.Ms.No.996, Personnel and Administrative Reforms (placements) Department, dated 22.09.1984.

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

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamilnadu,
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 Reforms,
Chepauk, Chennai.

4. The Assistant Director of Survey
and Land Reforms,
Madurai - 20, Madurai District.

+1 cc to The Special Government Pleader in SR.No. 73998

MJ

CSL/CM-MSA/14.02.2017 : 3P/6C

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