

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.673 of 2017
and
C.M.P.No.2740 of 2017

- 1.The Director of School Education,
D.P.I. Complex,
College Road, Chennai-600 006.
- 2.The Joint Director of School Education (Personnel)
D.P.I. Complex,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Coimbatore. Appellants

Versus

M.V.Paulraj Respondent

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 13.04.2017 passed in W.P.No.27914 of 2012 by the learned single Judge.

WP.No.27914 of 2012: Writ Petition filed under Article 226 of Constitution of India pleaded to issue a Writ or order or direction more fully in the nature of writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.32341/A3/E1/ dated 4.6.2007 and the Consequential order passed by the 2nd respondent in Na.Ka.32341/A2/E1 dated 19/05/2008 and the order passed in Na.Ka.25295/A3/E1 dated 01/07/2008 and in pursuance of the same the subsequent order passed by the 3rd respondent in his proceedings Na.Ka.3130/A1/2010 dated 15.06.2012 and the consequential undated proceedings No.Mu.Mu.No.3130/A1/201 dated ...09.2012 (which was received by the Petitioner on 28/09/2012) and quash the same and direct the respondents to restore the service of regularization of the Petitioner as 14.05.1981 as per the Government order No.2024 Revenue Department dated 15.05.1974 and

the subsequent Government letter No.3096/Ma.Va.1(2) 89 dated 11.08.1989 and to grant all service and consequential benefits.

For Appellants .. Mr.P.S.Sivashanmughasunaram
Spl.Govt.Pleader.

For Respondent .. Mr.K.H.Ravi Kumar

JUDGMENT

(Judgment of the Court was delivered by Huluvadi G Ramesh, J)

Heard Mr.P.S.Sivashanmughasunaram, learned Special Government Pleader appearing for the appellants and Mr.K.H.Ravi Kumar, takes notice for the respondent.

2.This appeal preferred by the State, challenging the order passed by a learned single Judge in W.P.No.27914 of 2012 dated 13.04.2015, allowing the writ petition filed by the respondent herein, to quash the orders passed by the first respondent herein, dated 04.06.2007 and 19.05.2008 and the consequential impugned orders passed by the third respondent herein, dated 15.06.2012 and for a direction to restore the petitioner's regularization of service with effect from 14.05.1981 instead of 25.06.1984 in terms of Government Order No.2024, Revenue Department, dated 15.05.1974 and the subsequent clarification by a Government letter No.3096/Ms.Vs.1(2) 89, dated 11.08.1989.

3.The respondent herein was a Burma repatriate and was initially appointed as Junior Assistant on temporary basis under Rule 10(a)(1) of the General Rules of the State and Subordinate Service Rules, after being selected through the Employment Exchange and posted in the office of the District Educational Officer, Tiruppur. During the relevant point of time, several persons were repatriated from Burma and Srilanka and the State Government took a policy decision to not only offer employment to the qualified repatriates, but also decided to regularize their services in cases, where such repatriates were appointed on temporary basis. To this effect, an order in G.O.Ms.No.2024, Revenue Department, dated 15.05.1974, was issued by the Government in order to grant employment opportunities to the repatriates. The Government has also passed an order in G.O.Ms.No.996, Personnel and Administrative Reforms (placements) Department, dated 22.09.1984, by which the services of all the temporary personnel recruited through Employment Exchange under 10(a)(1) and who were in temporary service as on 25.06.1984 be regularized with effect from 25.06.1984 in the same category and in the Department in which they were working.

4.Subsequently, the Government issued another clarification/modification letter dated 11.08.1989 to the Government Order

No.2024, dated 15.5.1974, by which a recommendation was made by the Commissioner to the Srilankan Repatriates through its Secretary that regularization of such repatriates could be done from the date of their appointment without monetary benefits. This benefit was extended to the petitioner and his services were regularized from his date of appointment i.e., from 14.5.1981 and with monetary benefits from 1984 in terms of G.O.Ms.No.996, dated 22.09.1984. Similar benefit was extended to other persons also. The Government also took a decision to regularize the services of one Veluchamy in the light of the G.O.No.2024 dated 15.05.1974 and the Government Letter dated 11.8.1989 and issued G.O.Ms.No.131, Higher Education Department dated 07.04.2005, regularizing his service with effect from 13.10.1982, the date anterior to the date fixed in G.O.Ms.No.996 dated 22.09.1984.

5.The learned single Judge after taking into consideration the benefit extended to another similarly placed person and that officials of the appellant department, up to the level of Director of School Education, has allowed the writ petition and set aside the impugned orders and directed the appellants herein to restore the respondent's date of regularization of service as 14.05.1981 instead of 25.06.1984.

6.The respondents having already granted benefit of regularization of service to the petitioner with effect from 14.05.1981 instead of 25.06.1984, after several years, they cannot undo the things they took in turn. The learned single Judge has rightly set aside the impugned order passed by the respondents. Furthermore, similar persons have also granted the benefit of regularization with effect from 1981 instead of 1984 and that has been approved by the respondents.

7.We find no infirmity in the order passed by the learned single Judge and it does not call for interference by us. Accordingly, the writ appeal is dismissed. No costs. Consequently, C.M.P.No.2740 of 2017 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education
DPI Complex, College Road Chennai-6

2.The Joint Director of School Education (Personnel)
DPI Complex, College Road Chennai-6

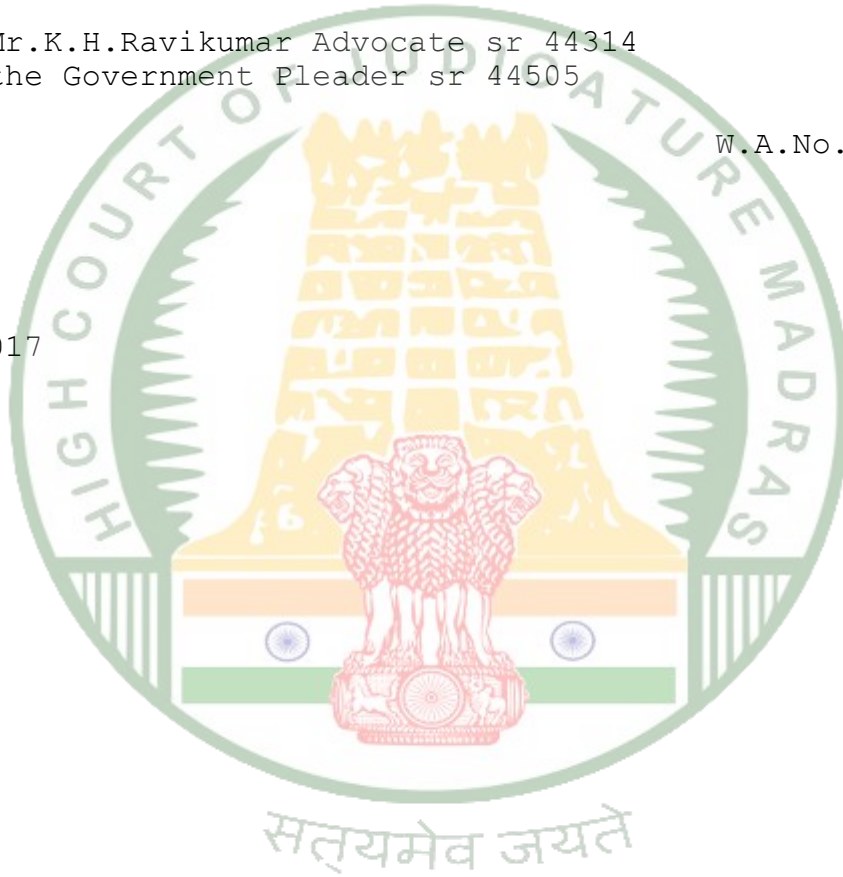
3.The Chief Educational Officer Coimbatore

+1 cc to Mr.K.H.Ravikumar Advocate sr 44314

+1 cc to the Government Pleader sr 44505

W.A.No.673 of 2017

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