

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3286/2017

A.Annadurai

.. Petitioner

Vs

- 1.The Principal Secretary to Government
of Tamil Nadu, Revenue Department
Secretariat, Chennai-9.
- 2.The Additional Chief Secretary &
Commissioner for Revenue Administration
Chepauk, Chennai 600 005.
- 3.The District Collector
Nagapattinam.
- 4.The Tahsildar
Vedaraniyam,
Nagapattinam District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent herein to pass appropriate orders for regularisation of the petitioner service as Night Watchman [Masalchi] with effect from the date of his initial appointment i.e., from 02.02.1990 with all service, monetary and terminal benefits in the light of G.O.Rt.No.200, Revenue Services 8 [21] Department dated 17/4/2007 and G.O.Ms.No.179, School Education Department dated 13.07.2012 and order of this Court dated 19.09.2014 in WP.No.7884/2013 by disposing of the petitioner's representation dated 11.08.2014 on the file of the 1st respondent within a stipulated period of time to be prescribed by this Court.

For Petitioner : Mr.M.Ramadass

For Respondents: Mr.P.Chinnadurai, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr. Mr.P.Chinnadurai, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner was appointed as a Night Watchman under Rule 10[a][i] of General Rules in the existing vacancy on daily wage basis and was paid out of Contingency Fund and his services were regularised as Night Watchman vide G.O.Rt.No.280, Revenue [Series 8[2]] Department dated 10.06.2010 from the date of issuance of the said Government Order and as such, the petitioner cannot complete ten years of regular service before superannuation so as to get the retiral/terminal benefits in the form of minimum pension. In this regard, the petitioner has submitted a representation dated 11.08.2014 and the 3rd respondent has also called for a report from the 4th respondent and since no orders have been passed, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by very many judgments of this Court and the latest being the order dated 19.09.2014 made in WP.No.7884/2013 [D.Arasu and another Vs.The Government of Tamil Nadu rep.by its Secretary to Government, Education Department, Fort St George, Chennai-9 and 3 others] and in the light of the same, prays for appropriate orders.

4 Heard the submissions of Mr.P.Chinnadurai, learned Government Advocate appearing for the respondents and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 4th respondent to respond to the Memo of the 3rd respondent dated 17.11.2014 in Na.Ka.No.23087/2014/A4 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the proposal/report from the 4th respondent, the 3rd respondent is directed to consider the claim of the petitioner for regularisation of his service from the date of his initial appointment, on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Principal Secretary to Government of Tamil Nadu, Revenue Department Secretariat, Chennai-9.
 - 2.The Additional Chief Secretary & Commissioner for Revenue Administration Chepauk, Chennai 600 005.
 - 3.The District Collector Nagapattinam.
 - 4.The Tahsildar Vedaraniyam, Nagapattinam District.
- +1cc to Mr.M.Ramdoss, Advocate Sr.8987

W.P.No.3286/2017

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