

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No. 38616 of 2015

N.Balasubramaniyan

.. Petitioner

Vs.

1. The State of Tamilnadu
Rep. by its Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Art & Culture,
Directorate of Art and Culture,
Halls Road,
Egmore,
Chennai - 600 008.
3. The Principal,
Government College of Architecture and
Sculpture,
Mamallapuram,
Kancheepuram District.

..Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the claims of the petitioner and regularize the service of the petitioner in the post of Lecturer with all consequential benefits as was regularized the similarly placed persons service namely J.Rajendran and K.Jayasankar in G.O.(Ms) No.267, Tourism, Culture and Religious Endowments (Cul-1-1) Department, dated 29.10.2014 and G.O.Ms.No.01, Tourism, Culture and Religious Endowments (Cul 1-1) Department, dated 02.01.2015 based on the order of the Hon'ble High Court dated 04.07.2012 in W.P.No.16533 & 16534 of 2012.

For Petitioner : Mr.G.Elanchezhian

For Respondents : Mr. K.Dhana Jeyam
Special Government Pleader

O R D E R

The Writ petitioner was appointed as Instructor (History) on 12.03.1983. He joined with effect from 15.03.1983 at Mamallapuram College of Architecture and Sculpture, Mamallapuram. The services of the writ petitioner were regularised in the post of Instructor and subsequently he was promoted as Lecturer on 24.11.2000. Thereafter, the writ petitioner retired from service on attaining the age of superannuation on 28.02.2013. Though the writ petitioner was allowed to retire from service, his services in the post of Lecturer were not regularized, since the framing of the Ad-hoc Rules was under the consideration by the Government.

2.The learned counsel appearing for the petitioner submitted that the proposal is pending with the Government for a long time and the fact regarding the consideration of the proposal by the Government is not disputed by the learned Government Pleader.

3. Even in the counter, the said fact is admitted. The Commissioner, Directorate of Art and Culture has stated that on receipt of the appropriate orders from the Government, the services of the writ petitioner will be regularized.

4. The learned counsel appearing for the petitioner contended that in the similar circumstances, this Court issued a direction in W.P.No.16533 and 16534 of 2012, on 04.07.2012. The said order was implemented by the Government in G.O.M.S.No.264, Tourism, Culture and Religious Endowments (C1-1) Department, dated 24.10.2013. Therefore, it is suffice to issue the similar direction in the present writ petition also.

5. Considering the facts and the circumstances of the case, the writ petition is disposed of, directing the first respondent to consider the framing of Ad-hoc Rules, within a period of three months from the date of receipt of a copy of this order. After framing of the Ad-hoc Rules, the respondents are directed to consider and pass appropriate orders, in respect of the regularization of the services of the petitioner in the post of Lecturer, within a period of one month thereafter. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

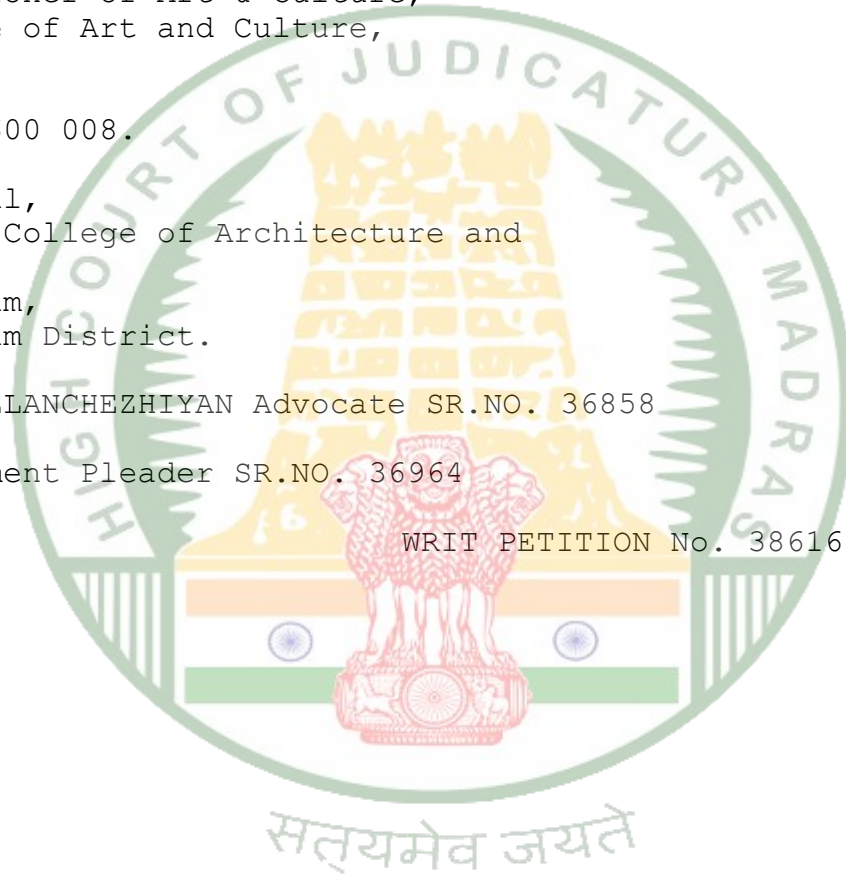
1. The State of Tamilnadu
Rep. by its Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Art & Culture,
Directorate of Art and Culture,
Halls Road,
Egmore,
Chennai - 600 008.
3. The Principal,
Government College of Architecture and
Sculpture,
Mamallapuram,
Kancheepuram District.

+1 cc to M/S G.ELANCHEZHIAN Advocate SR.NO. 36858

+1 cc to Government Pleader SR.NO. 36964

WRIT PETITION No. 38616 of 2015

vsn[co]
RD 17/05/2017



WEB COPY