



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

Writ Petition(MD)No.14773 of 2013andM.P(MD)No.1 of 2013

T.Ramesh

... Petitioner

Vs.

1.The State of Tamil Nadu rep by

The Secretary,
Rural Development and
Panchayathraj Department,
Secretariat, Chennai.

2.The Commissioner,
Rural Development and
Panchayathraj Department,
Panagal Building,
Chennai 15.

3.The District Collector,
Collectorate, Thanjavur.

4.The Commissioner,
Papanasam Panchayat Union,
Papanasam,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the G.O. Ms. No.28 dated 19.04.2012 issued by the 1st respondent and quash the same in respect of the regularization date alone (13.12.2008) and consequently directing the respondents to regularize the service in the permanent time scale basis from the date of the petitioner's initial appointment (on compassionate grounds 04.05.1990) and pay all the attendant service benefits with arrears from 04.05.1990 within a stipulated time.

For Petitioner

: Mr.R.Lakshmanan

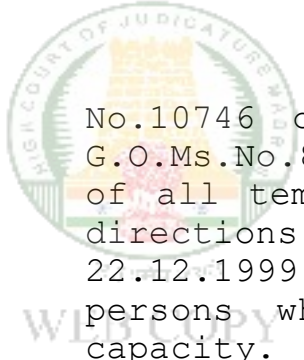
For Respondents

: Mr.S.Kumar,

Additional Government Pleader.

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner was appointed on compassionate grounds on 30.04.1990 as a night watchman. Since the services of the petitioners were not regularised, the petitioner filed W.P(MD)



No.10746 of 2007, seeking direction for regularisation as per G.O.Ms.No.878, dated 15.05.1981 which provides for regularisation of all temporary employees appointed after 01.04.1981. Further, directions were issued by the Government in G.O.Ms.No.267, dated 22.12.1999 empowering the District Collector to regularise those persons who have worked more than 10 years in a temporary capacity. This Court, by an order dated 21.01.2008 directed the District Collector, Thanjavur to pass appropriate orders regularising the services of the petitioner, if he satisfies the requirements of the above Government Orders, within two months from the date of receipt of a copy of the order.

2.The first respondent passed the order regularising the services of the petitioner with effect from 13.12.2008. The petitioner questions the fixation of date of regularisation 13.12.2008 alone.

3.Under similar circumstances, this Court in *M.Ravi Vs.The Commissioner, Kulithalai Panchayat Union, Kulithalai and others* in W.P(MD)No.12898 of 2011, dated 16.04.2012, directed regularisation of the employees from the date of completion of 10 years of services. Therefore, the petitioner should have been regularised with effect from 30.05.2000 and not from 13.12.2008.

4.Therefore, the writ petition is disposed of with a direction to the first respondent to regularise the services of the petitioner with effect from 30.05.2000 and pay him all monetary benefits which he is entitled to. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD) No.1 of 2013 is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary, Rural Development and Panchayathraj Department, Secretariat, Chennai.
- 2.The Commissioner, Rural Development and Panchayathraj Department, Panagal Building, Chennai 15
- 3.The District Collector, Collectorate, Thanjavur
- 4.The Commissioner, Papanasam Panchayat Union, Papanasam, Thanjavur District.

+One cc to The Special Government Pleader, SR.No.53444

+One cc to Mr.R.Lakshmanan, Advocate, SR.No.53203

sms

R/7C/2P/MR/15.5.2017

Writ Petition(MD)No.14773 of 2013
and

M.P(MD)No.1 of 2013