

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.04.2018**

CORAM:

THE HON'BLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HON'BLE MR.JUSTICE **R.SUBRAMANIAN**

W.A.No.550 of 2015 and
MP No.1 of 2015

1.The Government of Tamilnadu Rep. by
its Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2.The Commissioner/Director of
Survey and Settlement
Chepauk, Chennai - 600 005.

3.The Additional Director of
Survey and Land Records,
Chepauk, Chennai -5.

4.The Assistant Director of
Survey and Land Records,
Salem.

सत्यमेव जयते

...Appellants

Vs

1.G.Sivaraman
2.S.Ezhilarasi

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.12477 of 2007 dated 25.03.2014.

For Appellants : Mr.V.Anandhamoorthy
Addl.Govt.Pleader

For Respondents : Mr.P.Kumaravel
for Mr.M.Ravi

J U D G M E N T

(Judgment of the Court was delivered by
R.SUBRAMANIAN, J.)

The challenge in this intra court appeal is to the judgment dated 25.03.2014 made in W.P.Nos.12477 and 12478 of 2007, which were originally filed as O.A.Nos.4398 of 2002 and 1699 of 2003 on the file of the Tamil Nadu Administrative Tribunal. The original applications were transferred to this Court on abolition of the Tribunal and were re-numbered as writ petitions as stated above.

2. The facts that led to the filing of the writ petitions are as follows:-

The petitioners, who are the respondents herein among with others were appointed as Junior Assistants on contract basis on a consolidated pay of Rs.450/-per month by the proceedings of the Special Assistant Director of Survey and Land Records, Salem dated 21.01.1983. It is not in dispute that the petitioners have been in

continuous service ever since their appointment. By G.O.Ms.No.910 Commercial Taxes and Religious Endowments Department, dated 10.08.1983, services of Junior Assistants, who were appointed on consolidated pay were regularised by the Department. G.O.Ms.No.996 Personnel and Administrative Reforms (Placements) department, dated 22.09.1984 provides for regularisation of those who were appointed on contract basis also. The services of the petitioners were regularised on 18 January 1990. The petitioners claimed the benefits with effect from the date of the Government Order in G.O.Ms.No.996 dated 22 September 1984. Since the same was denied, they have approached this Court with the writ petitions seeking the following prayer:-

"... to issue direction to the respondents to regularise their services from the date of their initial appointment as Junior Assistants on consolidated pay i.e, from 28.01.1983 and 31.01.1983 respectively and to grant consequential service and monetary benefits including promotion as Superintendents on such regularisation from the date of initial appointment."

3. It is not in dispute that the respondents had been appointed through regular recruitment. In view of the ban on recruitment, the respondents were appointed on consolidated pay. The fact remains that

the said appointments were against sanctioned vacancies and the Government also thought fit to regularise their services with effect from 18.01.1990. In the above background, we do not find any error in the order passed by the learned single Judge in directing regularisation of their service. However, the learned single Judge had further directed that their regularisation will be with all consequential benefits. We make it clear that consequential benefits will be restricted to their retirement benefits and pension alone. They will not be entitled to claim salary as regular employee before the date of their actual regularisation i.e., on 18.01.1990.

4. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

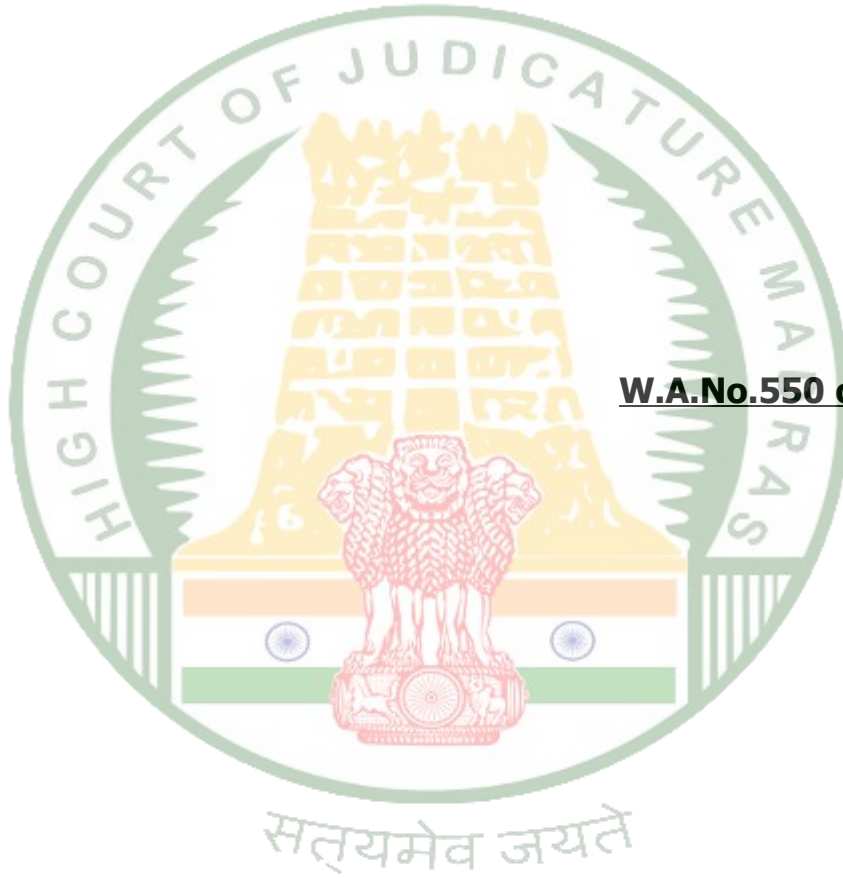
(K.K.SASIDHARAN,J.) (R.SUBRAMANIAN,J.)
20 April 2018

Index : Yes/No
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**K.K.SASIDHARAN, J.
AND
R.SUBRAMANIAN, J.**

(svki)



W.A.No.550 of 2015

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