

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.34162 of 2017

M.Devathi

.. Petitioner

-vs-

1. State of Tamil Nadu rep. by
the Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.
 2. The Principal Secretary-cum-
Commissioner for Revenue Administration,
Chepauk, Chennai-5.
 3. The District Collector,
Coimbatore District,
Collectorate,
Coimbatore-641 018.
 4. The District Collector,
Tiruppur District, Tiruppur.
 5. The Tahsildar,
Civil Supplies,
Udumalpet,
Tiruppur District.
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to regularise the services of the petitioner in the post of Masalchi-cum-Night Watchman w.e.f. 10.10.1980 and consequently, direct the respondents herein to disburse the retirement benefits and full pension to the petitioner within a stipulated period.

For Petitioner ::

Mr.K.Govi Ganesan

For Respondents::
1 to 5

Mr.M.Digvijaya Pandian,
Additional Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents herein to regularise the services of the petitioner in the post of Masalchi-cum-Night Watchman w.e.f. 10.10.1980 and consequently, direct the respondents herein to disburse the retirement benefits and full pension to the petitioner within a stipulated period.

2. Learned Counsel for the petitioner submitted that the petitioner was appointed as Masalchi-cum-Night Watchman in the Office of the Agricultural Income Tax, Udumalpet on 10.10.1980 through Employment Exchange and he was promoted as Office Assistant on 1.9.1988 and his services were also regularised w.e.f. 31.8.1988 A.N. in the post of Office Assistant and in the said post his service was regularised w.e.f. 31.3.1988 A.N. and the completion of his probation was also recorded and respective entries were made in his Service Register. Thereafter, he was promoted as Junior Assistant on 24.11.1997 and his services in the said post was also regularised and necessary entries were made on his Service Book. While so, on 30.12.2008, a proposal was sent to the 3rd respondent regarding completion of probationary period of the petitioner in the post of Junior Assistant. When the said proposal was pending in the office of the 3rd respondent, the Coimbatore District was bifurcated and the new District Tiruppur was notified. Thereafter, the 4th respondent by his Proceedings in Na.Ka.No.A4/2297/09 dated 30.11.2009 sought for orders from the 2nd respondent herein for the completion of probationary period from the 2nd respondent herein in the post of Junior Assistant. But the 2nd respondent office returned his Service Register and the connected files to the 4th respondent to regularise the petitioner's service in the initial post of Masalchi-cum-Night Watchman. Without rectifying the said defect, once again his Service Register was sent back to the 2nd respondent by the 4th respondent. In the meanwhile, the petitioner retired from service on attaining the age of superannuation on 31.3.2010 A.N. The learned Counsel further submitted that non-regularising the service of the petitioner in the post of Masalchi-cum-Night Watchman is the mistake committed on the part of the department. But, in view of the same, the petitioner is unable to derive his pensionary benefits and till date, his service register is lying in the office of the 2nd respondent.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. At the outset, this Court is of the view that the Writ Petition is liable to be dismissed for two reasons, namely, firstly, when the petitioner himself has admitted that his services were regularised in the post of Office Assistant and Junior Assistant and respective entries have also been made in his Service Register, it is not known why the petitioner has kept quite till date without seeking any remedy for non-regularisation of his service in the post of Masalchi-cum-Night Watchman. Secondly, after his retirement on 31.3.2010, the petitioner has kept quite for 7 long years and now only, he has chosen to approach this Court.

5. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
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2. The Principal Secretary-cum-
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3. The District Collector,
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Collectorate,
Coimbatore-641 018.
4. The District Collector,
Tiruppur District, Tiruppur.
5. The Tahsildar,
Civil Supplies,
Udumalpet,
Tiruppur District.

+lcc to Government Pleader SR.No.441
+lcc to Mr.K.Govi Ganesan, Advocate SR.No.418

sm:25.1.2018

W.P.No.34162 of 2017