

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.85 of 2018
and
C.M.P.No.793 of 2018

- 1 The Government of Tamil Nadu
Rep. by the Secretary to Government
Rural Development and Panchayat Raj Department
St.George Fort Chennai 600 009
 - 2 The Government of Tamil Nadu
Rep. by the Secretary to Government
P & AR Department St. George Fort
Chennai - 600 009.
 - 3 The Director
Directorate of Rural Development of
Panchayat Raj
Panagal Building Saidapet
Chennai-600 015
 - 4 The District Collector,
Coimbatore District, Coimbatore.
 - 5 The Commissioner
Panchayat Union Perianaickenpalayam
Coimbatore District ... Appellants/Respondents
- Vs

G.Ganapathimoorthy ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 3.8.2017 passed in W.P.No.2776 of 2014 on the file of this court.

Prayer in W.P.No.2776 of 2014:

Petition filed under Article 226 of the constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to issue Government Order regularizing the

petitioner with time Scale Pay as per G.O. Ms. No.242 Municipal Administration & Drinking Water Supply (Panchayat Union 1) Department dated 10.12.2009 since the date of above GO with direction to disburse/ pay consequential arrears of salary with 12% interest to the petitioner herein and other incidental benefits if any within a stipulated time.

For appellants : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For respondent : Mr.A.S.Palanisamy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in directing for regularisation of the first respondent's services as stipulated under G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.2.2006.

3. In similar circumstances this court, in Writ Appeal No.493 of 2016 by judgment dated 25.4.2016 and in Writ Appeal No.631 of 2016 by judgment dated 13.6.2016, has observed that the order passed by the learned Single Judge had attained finality before issuance of the G.O., and therefore, the appellants could not take advantage of the said Government Order which was passed nearly after one year of the order of the learned Single Judge and deny regularisation of the services of the respondents and accordingly, dismissed the writ appeals, confirming the order passed by the learned Single Judge.

4. In view of the above, we are of the view that this appeal does not merit consideration. Accordingly, this writ appeal is dismissed confirming the order passed by the learned Single Judge. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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- 5 The Commissioner
Panchayat Union Perianaickenpalayam
Coimbatore District.

+lcc to Mr.A.S.Palanisamy, Advocate Sr.53435

+lcc to the Government Pleader Sr.54098

सत्यमेव जयते

W.A.No.85 of 2018

sj[co]
srg 12/09/2018

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