

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2018

CORAM

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

W.A.No.993 of 2018

T.Narayanasamy

Appellant

Versus

1. The Secretary to Government,
Personnel and Administrative Reforms
Department,
Fort St. George, Chennai 600 009.
 2. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai 600 009.
- Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.10.2014 passed in W.P.No.11745 of 2017 on the file of this court praying directing the 2nd respondent to consider and pass orders on the petitioner's representation dated 28/02/2014.

For appellant : Mr.B.Gopalakrishnan

For respondent : Mr.Arvind Panidan
Additional Advocate General
assisted by Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

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

Heard the learned counsel appearing for the appellant and the learned Additional Advocate General on the issue.

2. The matter relates to the claim made by the appellant/writ petitioner seeking regularisation of his service on the basis of G.O.Ms.No.22 dated 28.2.2006, who had been working as Junior Assistant in the Collectorate on a

consolidate pay for the past 15 years.

3. The learned Single Judge has dismissed the writ petition observing thus:-

"4. This apart, the learned Additional Government Pleader appearing on behalf of the respondent also states that the said G.O.Ms.No.22 had been withdrawn by the Government and the revised orders were passed in this regard. Further, the post of Junior Assistant being categorized under the purview of Tamil Nadu Public Service Commission and regular recruitment process under the rules has to be undertaken for filling up the post of Junior Assistant in all the department in the State.

5. In this view of the matters, the prayer as such sought for cannot be considered and further this court cannot issue any direction to consider the representation by way of any recommendation in the absence of establishing any legal right. The semblance of legal right to be established is a pre-condition for entertaining any writ proceedings under Article 226 of the Constitution of India. Thus, other grounds raised in this writ petition require no further consideration."

4. It appears that wayback in the year 2003, the petitioner is said to have been appointed temporarily, however, not made permanent and it is also stated that is on contract basis. Therefore, it is for the Government to examine as to whether the case of the petitioner/appellant could be considered based on G.O.Ms.No.22 P&AR Department dated 28.2.2006 or the subsequent G.O. viz., G.O.Ms.No.74 P & AR Department dated 27.6.2013 or any further subsequent G.O.s and whether it would protect the interest of the petitioner/appellant and dispose of the matter/representation in view of the settled position. The order passed by the learned Single Judge is modified to the above extent. The writ appeal is disposed of. No costs.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

ssk.

To:

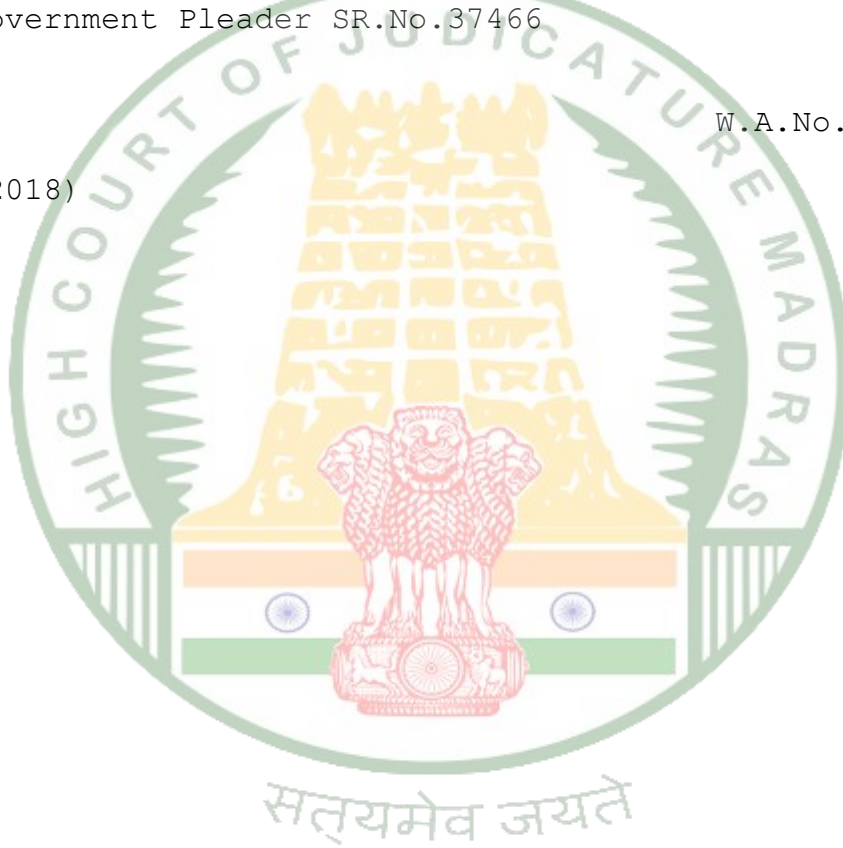
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Personnel and Administrative Reforms
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2. The Secretary to Government,
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Fort St. George, Chennai 600 009.

+1cc to Mr.B.Gopalakrishnan, Advocate SR.No.36945

+1cc to Government Pleader SR.No.37466

W.A.No.993 of 2018

GN(09/07/2018)



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