

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 01.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.1118 of 2013 and
M.P.No.1 of 2013

1.The Commissioner and Director,
Animal Husbandary and Veterinary
Services I Central Administrative
Building, Chennai-6.

2. The Deputy Director,
Department of Animal Husbandry,
Thoothukudi ...Appellants/Respondents

Vs

N.Sorimuthu ...Respondent/Petitioner

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.20161 of 2012 dated 27.07.2012

WP.No.20161 of 2012:Writ Petition filed under article 226 of
Constitution of India to issue a Writ of Mandamus directing the
1st respondent to regularize the service of the petitioner as
Animal Husbandry Assistant.

For Appellants : Ms.A.Srijayanthi
Special Government Pleader

For Respondent : Mr.S.Soundararajan

J U D G M E N T

K.K. SASIDHARAN, J.

The Mandamus issued by the learned single Judge to the
appellants to regularise the services of the respondent on
completion of 10 years of service from the date of his initial
appointment is under challenge in this intra court appeal.

2. The challenge is mainly on the ground that the government
order relied on by the learned single Judge is not applicable to
Part Time employees.

3. The learned Additional Government Pleader by producing a
copy of the judgment dated 10 July 2014, in W.A.Nos.2911 of 2012
etc., batch, submitted that the issue is covered by the said
judgment. According to the learned Additional Government

Pleader, the Division Bench set aside the orders passed by the learned single Judges of this Court directing regularisation of Part Time employees.

4. We have also heard the learned counsel for the respondent.

5. The learned single Judge by placing reliance on the Government Order in G.O.Ms.No.22 P & AR Department, dated 28 February, 2006 directed regularisation of the services of the respondent. The respondent was working as Part Time Sweeper. The learned single Judge extended the benefits of the Government Order to the respondent. When similar issue came up before the Division Bench in W.A.Nos.2911 of 2012 etc., batch, the Division Bench allowed the appeals filed by the Government and set aside the direction issued by the learned single Judges of this Court for regularisation of Part Time employees.

6. The issue raised in this intra court appeal is squarely covered by the judgment dated 10 July, 2014 in W.A.Nos.2911 of 2012 and etc., batch.

7. The intra court appeal filed by the State is allowed by following the judgment dated 10 July, 2014 in W.A.Nos.2911 of 2012 and etc., batch. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner and Director,
Animal Husbandary and Veterinary
Services I Central Administrative
Building, Chennai-6.

2. The Deputy Director,
Department of Animal Husbandry,
Thoothukudi

+1 cc to Mr.S.Soundararajan Advocate sr 16667

+1 cc to the Govt Pleader sr 16287

W.A No.1118 of 2013

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