

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2554 of 2018

R.Sivakumar

.. Petitioner

vs.

1. The Secretary to Government,
P & AR Department,
Fort St. George,
Chennai - 600 009.
 2. The Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Fort St. George,
Chennai - 600 009.
 3. The Director,
Animal Husbandry and Veterinary Services,
Chennai - 600 006.
- ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to issue Amendment to the Special Rules for the Tamil Nadu Ministerial Service to the Animal Husbandry Department as stated in G.O.(4D) No.15, Animal Husbandry Dairying and Fisheries (AH7) Department dated 12.12.2012 and consequently, direct the second and third respondents to regularize the petitioner's services and declare probation and confer the periodical annual increments and promotion post of Superintendent with regards to petitioner's seniority by considering the petitioner's representation dated 8.12.2017.

For Petitioner

: Mr.R.S.Anandan

For Respondents

: Mr.E.Manoharan
Addl. Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner, an Assistant in the Animal Husbandry Department of the Tamil Nadu, seeking order on the first respondent to amend the Special Rules for the Tamil Nadu Ministerial Service to the Animal Husbandry Department, so that the services of the petitioner may be regularised.

2. In the affidavit in support of the writ petition, it is pleaded that a notification being G.O.(4D) No.15, dated 12.12.2012 was issued for filling up 50% of the total number of vacancies in the post of Assistant in the Animal Husbandry, Dairying and Fisheries Department by direct recruitment through the Tamil Nadu Public Service Commission. There is a categorical assertion in the affidavit in support of the writ petition that there was a representation made to the respondents that necessary amendments would be carried out to the Special Rules for the Tamil Nadu Ministerial Service.

3. According to the petitioner, the petitioner participated in the selection process. After the petitioner successfully cleared the written examination conducted by the Tamil Nadu Public Service Commission, a Memorandum No.1173/PSD-C1/2014, dated 15.12.2014 was issued by the Tamil Nadu Public Service Commission informing the petitioner that he had been admitted provisionally for counselling in connection with the selection of candidates for appointment by direct recruitment to the non-interview posts included in the Combined Civil Services Examination.

4. The petitioner was informed that he had been selected for the post of Assistant and allotted to the Animal Husbandry and Veterinary Department as per the Memorandum No.1173/PSD-C1/2014, dated 29.12.2014 issued by the Tamil Nadu Public Service Commission. According to the petitioner, the petitioner ranked 10th in the combined selection list. By an order No.48345/R2/2011-10, dated 19.3.2015, the petitioner was posted in the Animal Husbandry Department and he joined the services on 25.3.2015 in the office of the Regional Joint Director at Tirupur.

5. According to the petitioner, the petitioner has completed and passed the DOM Test, Account Test Part-I and other internal tests. He had been deputed to Bhavanisagar Training Institute, from where, he had completed the training held between 1.2.2017

and 15.3.2017, after which he passed the test. According to the petitioner, although he has completed two years in service, his service has not been regularised, as a result of which, the petitioner has not been getting the annual increment benefits and further promotion. The petitioner claims that he is entitled to have his seniority determined for the year 2013-2014. It is stated that by an order in RC.No.22570/R2/2014, dated 30.10.2014, 85% of candidates were promoted. However, though the petitioner had joined the services for 2013-2014 vacancies, his service has not been regularised. A suitable amendment to the Special Rules for Tamil Nadu Ministerial Service are yet to be effected. Similar amendments have been carried out in respect of other departments.

6. According to the petitioner, the petitioner has made representations to different authorities. A representation dated 24.4.2017 has been addressed to respondent No.3 and a further representation dated 8.12.2017 has been addressed to the three respondents. No decision has been taken thereon.

7. After hearing the respective parties, the writ petition is disposed of by directing the first respondent to consider the representation of the petitioner and to take a decision thereon at the earliest and in any case, within six weeks from the date of communication of this order. The decision of the first respondent shall be communicated to the petitioner within one week from the date thereof. A copy of the writ petition along with copies of the representations issued to various authorities may be forwarded to respondent No.1. No costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

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To:

1. The Secretary to Government,
P & AR Department,
Fort St. George,
Chennai - 600 009.

WEB COPY

2. The Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Fort St. George,
Chennai - 600 009.

3. The Director,
Animal Husbandry and Veterinary Services,
Chennai - 600 006.

+1 CC to MR.R.S. Anandan, Advocate sr 10077

+1 CC to Govt. Pleader sr 10303.

W.P.No.2554 of 2018

SAI (CO)
SP(21/02/2018)



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