

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24219 of 2006

M.Ponnupillai

... Petitioner

Vs.

1.The Secretary to Government
Co-operation Food and Consumer
Protection Department
Fort St.George,
Chennai – 600 009.

2.The Registrar of Co-operative Societies,
170, E.V.R.Periyar Road,
Kilpauk,
Chennai – 600 010.

3.The Executive Engineer,
Construction Division – II,
Cooperative Department,
Trichy – 18.

4.The Secretary to Government
Public Works (HM2) Department
Fort St.George,
Chennai – 600 009.

5.The Chief Engineer,
Public Works Department,
Water Resources Organization (WRO) DRC,
Chepauk, Chennai -5.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders regularizing the petitioner services retrospectively from the date of completion of 5 years of service namely from 20.12.1985 and add that part of the service also for the purpose of computation of pension and other benefits.

For Petitioner : Mr.D.Ponventhan

For Respondents : Mr.L.P.Shanmugasundaram
for R1 to R3
Special Government Pleader
Mr.K.Ravikumar for R4 and R5
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pass orders regularizing the petitioner services retrospectively from the date of completion of 5 years of service namely from 20.12.1985 and add that part of the service also for the purpose of computation of pension and other benefits.

2.The petitioner was sponsored through Employment Exchange

and was appointed in the construction wing of the Co-operation Department. The petitioner was engaged as Work Assistant in Work Charged Establishment Category on a consolidated wages from 20.12.1980.

3.The Government issued G.O.Ms.No.477, Cooperation, Food and Consumer Protection Department dated 11.12.1995 and the services of 13 Work Assistants employed on Work Charged Establishment were regularized retrospectively. The petitioner's services were regularized vide G.O.Ms.No.266 Co-operation Food and Consumer Protection Department dated 26.11.1999 and he was one among the 46 employees whose services were regularized from 26.11.1999. Since the petitioner's past services were not taken into account, he made representations on 07.07.2000 and 10.08.2001.

4.The Government passed G.O.Ms.No.238, Cooperation, Food and Consumer Protection Department, dated 08.08.2003 and framed Ad hoc Rules. That Rules came into force from 01.01.1981 and some of the employees approached Tamil Nadu Administrative Tribunal by filing O.As. and the Tribunal vide order dated 24.07.2003 made in

O.A.Nos.2049 of 2002 etc. batch directed 50% of the earlier service on NMR basis shall be taken into consideration for the purpose of fixing their length of service for pension.

5.The learned counsel appearing for the petitioner submits that though the petitioner has filed the writ petition seeking a direction to the respondents to pass orders regularizing the petitioner's services retrospectively from the date of completion of 5 years of service namely from 20.12.1985 and add that part of the service also for the purpose of computation of pension and other benefits, however, now the petitioner restricts his prayer to that a direction may be issued to the respondents to pass orders on the representation made by the petitioner.

6.Heard both sides.

7.In view of the limited prayer now sought for by the learned counsel appearing for the petitioner, this Court grants liberty to the petitioner to make a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondent shall pass orders on the same, in accordance with law, within a period of twelve weeks

thereafter.

8.With the above observation, the writ petition is disposed of.

No costs.

06.04.2018

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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M.DHANDAPANI,J.
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