

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P (MD)No.560 of 2018****WEB COPY**

P.Pitcha Muthu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by the Secretary to Govt.,
Revenue Department,
Fort.St.George, Chennai - 600 009.

2. The Commissioner of Revenue
Administration,
Chepauk, Chennai - 600 005.

3. The District Collector, Tirunelveli District,
Tirunelveli - 627 009.

4. The Tahsildar, Sengottai Taluk,
Tirunelveli District - 627 809.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to grant retrospective regularisation of the petitioner in the post of Masalchi in terms of the first respondent's order 22 ((P&AR) Dept. dated 28.02.2006 and also to grant necessary relaxation from the rule relating to upper age limit and communal rotation as per the proposal sent by third respondent vide his letter dated Na.Ka.A7/9880/2015 dated 01.06.2017 and to confer all the monetary benefits pursuant to the same.

For petitioner

: Mr.R.Krishnan

For respondents

: Mr.K.Saravanan,
Government Advocate**O R D E R**

Heard the learned counsel on either side.

2.The petitioner was appointed in the year 1988 as Masalchi on daily wages basis. He belongs to a backward community. He has passed 10th standard. He was registered with Employment Exchange at Tirunelveli. In fact, he was appointed as Masalchi in temporary capacity on being sponsored by the Employment Exchange, Tirunelveli. For more than 17 years, he had been working as Night Watchman. He thus clearly fulfils the norms set out in G.O.Ms.No.22 (P&AR) Department dated 28.02.2006. The said G.O was



issued in order to regularize the services those who have been rendering full time service on daily wages basis for more than 10 years and more.

3. Though the petitioner fulfils the requirements set out in the said G.O, by order dated 12.09.2007 the petitioner was once again appointed only on temporary basis. However, he was given time scale of pay. The petitioner's contention is that he must be regularized with effect from the said date. In fact, the third respondent had already sent a proposal to the second respondent in this regard. The said proposal dated 01.06.2017 is enclosed at Page No.13 of the typed set of papers. The Annexure enclosed with the said proposal contains the service particulars of the petitioner. The petitioner has also shown before this Court that persons who were appointed later in point of time have since been regularized.

4. Therefore, there is no justification in taking a different stand in the case of the petitioner alone. Therefore, the first respondent is directed to consider the proposal dated 01.06.2017 submitted by the third respondent in favour of the petitioner and grant necessary relaxation regarding upper age limit and also communal rotation and pass orders regularizing the service of the petitioner with effect from 12.09.2007 with all consequential benefits.

5. This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Govt.,
State of Tamil Nadu,
Revenue Department,
Fort.St.George, Chennai - 600 009.

2. The Commissioner of Revenue
Administration,
Chepauk, Chennai - 600 005.

<https://hcservicecourtdigitalservicecollector.tirunelveli.org>
3. The District Collector, Tirunelveli District,
Tirunelveli - 627 009.



4. The Tahsildar, Sengottai Taluk,
Tirunelveli District - 627 809.

+1cc to Mr.R.Krishnan, Advocate Sr.No.56205

+1cc to The Spl. Government Pleader Sr.No.56289

SKM

VB/SKN/RSK/SAR2/25/04/2018/3P/7C

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