

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1239 and 1240 of 2015
and
M.P.Nos.1 and 1 of 2015

1. The State of Tamil Nadu
rep. By its Secretary,
Backward Classes, Most Backward Classes
and Minorities Welfare Department,
Fort St. George, Chennai - 9.
2. Director of Backward Classes and
Minorities Welfare,
Chepauk, Chennai - 5.
3. District Backward Classes and Minorities
Welfare Officer,
Dharmapuri. Appellants

Vs.

K.Gunasekaran

.... Respondent
in W.A.No.1239 of 2015

S.B.Samikkannu

.... Respondent in W.A.No.1240
of 2015

APPEALS filed under Clause 15 of the
Letters Patent to set aside the order passed by this Honble
Court made in WP.Nos.32055 and 32107 of 2006 dated 31.03.2009.

Prayer in W.P.32055 of 2006:

This Writ Petition filed praying for
a Writ of Mandamus directing the respondents to regularise the
services of the petitioner as cook w.e.f. 4.11.1980 with all
consequential benefits.

Prayer in W.P.No.32107 of 2006:

Writ Petition filed praying for a Writ of Mandamus directing the respondents to regularise the services of the petitioner as Cook w.e.f. 29.11.1980 with all the Consequential benefits.

For Appellants : Mrs.A.Sri Jayanthi
Special Government Pleader

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The learned single Judge taking into account the continuous service of the respondents from 1980, directed their regularisation retrospectively. However, it was made clear that the respondents would not be entitled to the monetary benefits on account of such regularisation. Feeling aggrieved by the said order, the appellants have come up with these intra Court appeals.

2. There is absolutely no merit in the contentions taken by the appellants. The respondents were appointed on temporary basis and thereafter their services were regularised. In view of the regularisation giving effect prospectively, the respondents would not be entitled to pensionary benefits.

3. There is no dispute with regard to the initial appointment of the respondents, being 04.11.1980 and 29.11.1980 respectively. Even though the respondents have worked continuously from 1980, they were not given pensionary benefits on account of the prospective regularisation. It was only under such circumstance, the learned single Judge granted the prayer and directed the appellants to regularise the services of the respondents retrospectively. The interest of the appellants were also taken care of by holding that on account of such regularisation, the respondents would not be entitled to any monetary benefits. The period would be counted only for fixing the total years of service and terminal benefits. We are therefore of the view that there is absolutely no case made out by the appellants to interfere with the order passed by the learned single Judge.

4. The intra Court appeals are dismissed without there being any liability to pay costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu
Backward Classes, Most Backward Classes
and Minorities Welfare Department,
Fort St. George, Chennai - 9.
2. Director of Backward Classes and
Minorities Welfare,
Chepauk, Chennai - 5.
3. District Backward Classes and Minorities
Welfare Officer,
Dharmapuri.

+1cc to the Special Government Pleader Sr.54981

सत्यमेव जयते

Writ Appeal No.1239 and 1240 of 2015
and
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srg 16/08/2019