

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition Nos.30193 & 30194 of 2008
and M.P. Nos.1 and 1 of 2008

W.Dowlath Khan

..Petitioner in
W.P. No.30193 of 2008

N.V.Balasubramanian

...Petitioner in
W.P. No.30194 of 2008

Versus

1.The Secretary,
Animal Husbandry,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

3.The District Collector,
Chennai-600 001.

4.The Secretary,
Animal Welfare Board of India,
3rd Seaward Road,
Thiruvannamiyur,
Chennai-41.

.. Respondents in both cases

Prayer in both cases: Petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to treat the petitioners as Government Servants and to fix the pay scale to the petitioners within a time may be fixed by this Court.

For Petitioners in both cases : No appearance

For Respondents in both cases: Mr.K.Ravikumar,
Additional Government Pleader
for R1 to R3

Mrs.Rita chandrasekaran
for M/s.Aiyar & Dolia for R4

COMMON ORDER

The petitioners have come to this Court seeking a direction to the respondents to treat them as Government Servants and to fix their pay scale within a stipulated time.

2.It is averred in the affidavit that the petitioners were appointed as Sub Inspectors as per G.O. Ms. Nos.2380 and 207 Home (Police - XII) Department and Animal Husbandry and Fisheries (AH-II) dated 05.10.1981 and 03.09.1997 and they were discharging their duties as per the guidelines given in Society for Prevention of Cruelty for Animals (hereinafter referred to as SPCA). The grievance of the petitioners is that from the date of appointment, no pay scale was fixed in the SPCA and only the Secretary of SPCA has been paying a sum of Rs.4,500/- and Rs.3,000/- with P.F. per month. After the Notification of the Central Government, the Government of Kerala has appointed Senior Inspectors and Junior Inspectors to look after the welfare of the animals and to take necessary action against the cruelty to the animals and the pay was fixed to the above two categories at Rs.1,050/- and 800/- respectively and the said Government has also increased the pay scale to Rs.3,350/- and Rs.2,650/- respectively. It is further averred in the affidavit that the Government of West Bengal has also implemented the scheme of SPCA and the Inspectors of SPCA, who are working in the State of West Bengal and Kerala are getting a monthly salary and other benefits. Therefore, the petitioners made representations to the respondents requesting that the Inspector of Animal Welfare functioning in the State of Tamil Nadu be recognised as Government Servants by fixing the time scale of pay at Rs.5900 + 3000 = Rs.8,900/-, but the same has not been considered. Hence, the present writ petitions have been filed.

3.Mrs.Rita Chandrasekaran, learned counsel appearing for the fourth respondent would submit that the prayer in the writ petitions has become infructuous since the Animal Welfare Board of India functioning at Thiruvannamipur, Chennai, was taken over by the Central Government.

4.In view of the fact that there is no such Board now functioning in Chennai, which shows that the petitioners have

also stopped working and that the petitioners have already reached their age of superannuation, nothing further survives in the writ petitions. Accordingly, the writ petitions are dismissed as infructuous. Consequently, connected M.P.s are closed. No costs.

vga

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Animal Husbandry,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

3.The District Collector,
Chennai-600 001.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.9626
+1cc to the Government Pleader, S.R.No.10826

Writ Petition Nos.30193 & 30194 of 2008

kak(25/02/2019)

सत्यमेव जयते

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