

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22843 & 22844 of 2018

N.Clement Singarayan ... Petitioner in WP.22843 of 2018

M.Mohan ... Petitioner in WP.22844 of 2018

vs

- 1 The State of Tamil Nadu,
Rep.by its Secretary to the Government
Animal Husbandry Dairying and
Fisheries Department,
Fort St. George, Chennai - 9
- 2 The Director of
Animal Husbandry and Veterinary Services,
O/o the Directorate of Animal Husbandry &
Veterinary Services, DMS Building,
teynampet, Chennai - 6.
- 3 The Regional Joint Director,
Animal Husbandry Department,
Namakkal, Namakkal District.
... Respondents in all WPs.

Prayer in WP.22843/18: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 1st respondent to regularize the service of the petitioner w.e.f. 29.06.2000 i.e. from the date of joining in the regular post as Animal Husbandry Assistant with all consequential service and monetary benefits taking into account of the order made in W.A.No. 1271 of 2012 dated 23.04.2014 and in the light of G.O.Ms.No. 185 Animal Husbandry Dairying and Fisheries (AH6) Department dated 22.09.2015 and in the light of order made in W.P.(MD).Nos. 18885 to 18887 of 2016 dated 03.10.2016 and in the light of G.O.Ms.No. 38 Animal Husbandry Dairying and Fisheries (AH6) Department dated 05.03.2018 granted to similarly placed person and by considering the petitioners representation dated 01.08.2018 within the period that may be stipulated by this Court.

Prayer in WP.22844/18: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the the 1st respondent to regularize the service of the petitioner w.e.f. 24.06.2000 i.e. from the date of joining in the regular post as Animal Husbandry Assistant with all consequential service and monetary benefits taking into account of the order made in W.A.No. 1271 of 2012 dated 23.04.2014 and in the light of G.O.Ms.No. 185 Animal Husbandry Dairying and Fisheries (AH6) Department dated 22.09.2015 and in the light of order made in W.P.(MD).Nos. 18885 to 18887 of 2016 dated 03.10.2016 granted to similarly placed person and by considering the petitioners representation dated 01.08.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Nambi Arooran in both Wps.

For Respondents : Mrs.R.Janaki, AGP in both WPs

COMMON ORDER

- 1.The petitioners have filed these writ petitions seeking issuance of a Writ of Mandamus, to direct the 1st respondent to regularize the service of the petitioners w.e.f. 29.06.2000 & 24.06.2000 respectively, i.e. from the date of their joining in the regular post as Animal Husbandry Assistant and direct the respondents to sanction increment w.e.f. 28.7.2001 with all consequential service and monetary benefits taking into account of order made in W.A.No.1271 of 2012 dated 23.4.2014 and in the light of G.O.Ms.No. 185 Animal Husbandry Dairying and Fisheries (AH6) Department dated 22.9.2015 and in the light of order made in W.P. (MD).Nos. 18885 to 18887 of 2016 dated 3.10.2016 and in the light of G.O.Ms.NO. 38 Animal Husbandry Dairying and Fisheries (AH6) Department dated 5.3.2018 to similarly placed persons and by considering the petitioner's representaton dated 01.08.2018 within the period that may be stipulated by this court.
- 2.According to the petitioners, they were appointed as causal labourer on daily wage basis in the year 1991 in the Animal Husbandry Department and worked as such till 2000. Thereafter the 3rd respondent by his proceedings dated 28.07.2000 apponted him as Animal Husbandry Assisnt on temporary basis and time scale pay of Rs.2610-60-3150-65-3540. Whiles the first respondent issued a G.O.Ms.NO.117 dated 28.08.2008, decided to regularise the service of the 163 persons who were working as Animal Husbandry Assistant in Various institutions in the Animal Husbandary Department on temporary basis. Pursuant to the same the services of the petitioners have been regularised from the dated of the said G.O. i.e.28.08.2008. However the

petitioner made representation on 01.08.2018 to the respondents seeking to regularised of his service from the date of initial appointment since among to the petitioner similarly placed persons have approached this Court and got the benefit of regularisation from the date of their initial appointment. However, as there is no reply from the respondents, hence the petitioner is before this Court.

3. The learned counsel appearing for the petitioner would submit that, several similarly placed persons have approached this Court, where orders were issued, directing the respondents to regularise their services i.e the post of Animal Husbandry Assistant with effect from the date originally they employed in the present service. However, the said benefit has not been extended to the petitioner. Therefore, the petitioner had given representation on 01.08.2018 to the respondents to regularise their services from the initial date of appointment and the learned counsel appearing for the petitioners would submit that, if the said representations are directed to be considered on merits and in accordance with law and an order to that effect is directed to be passed, within a time frame, the petitioners would be satisfied.
4. I have heard the learned Government Advocate appearing for the respondents, who would submit that the said representations of the petitioners dated 01.08.2018 would be considered on merits and an order to that effect would be passed, within a time frame, that may be stipulated by this Court.
5. Considering the limited scope of these writ petitions, this Court is inclined to pass the following order:
"The respondents are directed to consider the representations of the petitioners' dated 01.08.2018 and pass orders thereon, on merits and in accordance with law, with regard to the grievance of the petitioners for getting regularisation from the date of their initial engagement/appointment on par with other similarly placed persons, who have been given the same benefit already, of course, pursuant to the order passed by this Court, within a period of six weeks from the date of receipt of a copy of this order."
6. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

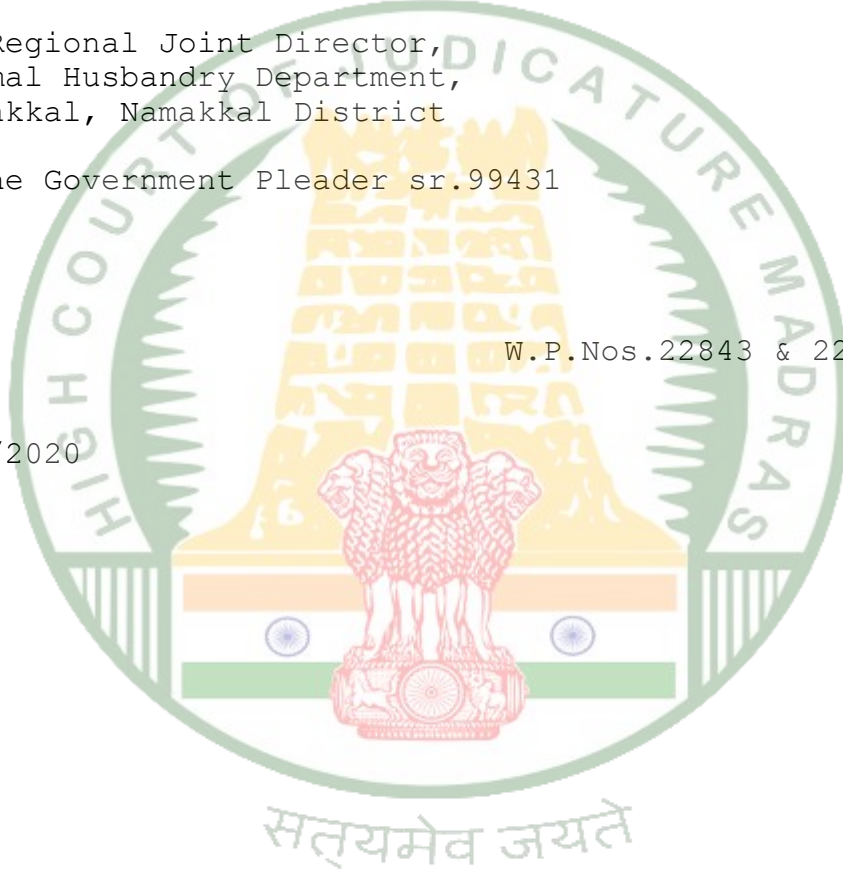
To

- 1 The Secretary to the Government
Animal Husbandry Dairying and
Fisheries Department,
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- 2 The Director of
Animal Husbandry and Veterinary Services,
O/o the Directorate of Animal Husbandry &
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- 3 The Regional Joint Director,
Animal Husbandry Department,
Namakkal, Namakkal District

+lcc to the Government Pleader sr.99431

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srg 20/01/2020



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