

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18538 of 2019

N.Murugesan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Animal Husbandry, Dairying &
Fisheries Department,
Secretariat, Chennai - 9.
 2. The Commissioner and Director of
Animal Husbandry and Veterinary Services,
DMS Building, Chennai - 6.
 3. The Regional Joint Director,
Animal Husbandry Department,
Erode & District.
 4. The Assistant Director,
Animal Husbandry Department,
Tiruppur, Tiruppur District.
- Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 28.12.2017 and pass orders on the same in regard to regularization of service from the date of initial regular time scale appointment as was given to similarly placed person namely Mr.Thiyagarajan in G.O.(Ms) No. 185, Animal Husbandry, Dairying and Fisheries (AH6) Department, dated 22.09.2015 on the basis of order of the Division Bench of this Court in W.A.No. 1271 of 2012 dated 23.04.2014 and the same was confirmed by the Hon'ble Apex Court of India in SLP.(CC) No. 14588 of 2015 dated 15.09.2015.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

This petition has been filed by the petitioner, seeking to direct the first respondent to consider the his representation dated 28.12.2017 and to regularise the petitioner's service from the date of initial appointment.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he was initially appointed as Animal Husbandry Assistant on Daily Wages basis through Employment Exchange on 01.06.1991 and posted to Veterinary Hospital, Nasiyanur, Erode District and was continued in the same post till 20.02.2007. In the year 2013, the Government has regularised the service of 60 Animal Husbandry Assistants from the date of Government Order and subsequently, this Court by order dated 05.11.2013 and also 23.04.2014 has directed the Government to regularise the service of the Animal Husbandry Assistants from the date of regular appointment. Thereafter, the petitioner was transferred and on 22.09.2015, the Government has issued order regularising the service of Mr.Thiyagarajan and also by order dated 05.09.2017 regularised the service of Mr.Sadhasivam and Mr.Karunanithi from the date of regular appointment. Hence the petitioner sent representation dated 22.10.2017 seeking to regularise his service from the date of regular appointment as given to similarly placed persons and also sent another representation dated 28.12.2017. However, the representation dated 28.12.2017 has not been considered by the respondent till date. Hence this writ petition.

4. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 28.12.2017 and to pass appropriate orders.

5. Considering the limited request made by the learned counsel appearing for the petitioner and also the fact that the benefit has been extended to similarly placed persons and the Supreme Court has rejected the special leave petition filed by the State, I am inclined to issue direction to the respondents to consider the petitioner's representation. Accordingly, the respondents are directed to consider the petitioner's representation dated 28.12.2017, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ebsi

To

1. The Secretary to Government,
Animal Husbandry, Dairying &
Fisheries Department,
Secretariat, Chennai - 9.
2. The Commissioner and Director of
Animal Husbandry and Veterinary Services,
DMS Building, Chennai - 6.
3. The Regional Joint Director,
Animal Husbandry Department,
Erode & District.
4. The Assistant Director,
Animal Husbandry Department,
Tiruppur, Tiruppur District.

+1cc to Mr.G.Elanchezhiyan, Advocate, S.R.No.88439

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PPA(CO)
CS/29/11/2019

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