

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29478 of 2019

N.Sanjeevappa

.. Petitioner

Vs.

- 1.The Secretary to the Government,
Animal Husbandry, Dairying & Fisheries Department,
Fort St. George, Chennai-9
- 2.The Commissioner and Director,
Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex Building,
Saidapet,
Chennai-600 035.
- 3.The Regional Joint Director,
Animal Husbandry Department,
Krishnagiri and District
- 4.The Deputy Director (AH),
District Live stock Farm,
Hosur, Krishnagiri.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 31.01.2019 in the light of the following Government Orders in G.O.Ms.No.49 dated 20.02.2013, G.O.Ms.No.185 dated 22.09.2016, G.O.Ms.No.144 dated 26.09.2016, G.O.Ms.No.251 dated 21.12.2017, G.O.Ms.No.38 dated 05.03.2018, G.O.Ms.No.58 dated 20.03.2018 and G.O.Ms.No.91 dated 15.07.2019.

For Petitioner .. Mr.S.Gunasekaran

For Respondents .. Mr.A.N.Thambidurai, Spl.GP

ORDER

This writ petition has been filed seeking for issuance of a Mandamus to direct the first respondent to consider the

petitioner's representation dated 31.01.2019 in the light of the following Government Orders in G.O.Ms.No.49 dated 20.02.2013, G.O.Ms.No.185 dated 22.09.2016, G.O.Ms.No.144 dated 26.09.2016, G.O.Ms.No.251 dated 21.12.2017, G.O.Ms.No.38 dated 05.03.2018, G.O.Ms.No.58 dated 20.03.2018 and G.O.Ms.No.91 dated 15.07.2019.

2. According to the petitioner, he was appointed as Daily Wages Casual Labourer in District Live Stock Farm in Hosur, Dharmapuri District on 01.06.1991 and thereafter, he was appointed as Animal Husbandry Assistant on 01.12.1999 on temporary basis and later, his services were regularised from 28.08.2008 onwards. The grievance of the petitioner is that he is entitled for regularisation of services from the date of his joining in the post, but the second respondent regularised his services only from 28.08.2008 onwards. The petitioner has cited the cases of similarly placed workers whose services came to be regularised from the date of their joining in the post by virtue of various orders passed by Tribunal, this Court and the Supreme Court. Claiming parity in the matter of regularisation of services from the date of his joining in the post, the petitioner appears to have made a representation on 31.01.2019 to the first respondent. However, since there was no response forthcoming, the petitioner is before this Court.

3. It is not in dispute that the services of the temporary employees have been regularised taking note of their long and continuous of service, with retrospective effect i.e., from the date of their initial appointment. The petitioner has placed copies of the Government Orders vide G.O.Ms.No.49 dated 20.02.2013, G.O.Ms.No.185 dated 22.09.2016, G.O.Ms.No.144 dated 26.09.2016, G.O.Ms.No.251 dated 21.12.2017, etc., wherein, the services of the employees who were working on temporary basis in the Department of Animal Husbandry, have been regularised by the Government. It is not in dispute that the petitioner is also a similarly placed person.

4. In view of the limited prayer sought for by the petitioner and considering the facts and circumstances of the case and the representation made by the petitioner is still pending, the first respondent is directed to consider the representation made by the petitioner dated 31.01.2019 and pass appropriate orders therein, in accordance with law and on merits after affording an opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to the Government,
Animal Husbandry, Dairying & Fisheries Department,
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- 2.The Commissioner and Director,
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- 3.The Regional Joint Director,
Animal Husbandry Department,
Krishnagiri and District
- 4.The Deputy Director (AH),
District Live stock Farm,
Hosur, Krishnagiri.

+1cc to Mr.S.Gunasekaran, Advocate sr.86235
+1cc to Government Pleader SR.NO. 86889

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