

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32798 of 2019

G.Balasubramaniyan

... 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,
Thiruvarur,
Thiruvarur District.

4.The Assistant Director,
Animal Husbandry Department,
Thiruvarur,
Thiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 30.04.2019 and pass orders on the same in regard to regularisation of service from the date of Regular appointment as was given to similarly placed person namely Mr.M.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 Hon'ble 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 Respondent : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was initially appointed as Daily Wages Casual Labourer in the year 1987 through Employment Exchange in the Office of the Deputy Director, Exotic Cattle Breeding Farm, Eachankottai, Orathanadu Taluk, Thanjavur District and he was continued till 1999. As per G.O.Ms.No.116, Animal Husbandry (AH6) Fisheries Department, dated 07.05.1997, sanctioned 826 posts of Animal Husbandry Assistant and directed to fill up these posts as mentioned in the above said G.O. In the first instance the service of the 465 persons, in whose favour the Tamil Nadu Administrative Tribunal had passed orders for bringing them into regular establishment and also in respect of 361 persons, who have put in service as casual labourers for 10 years and more as on 06.02.1995 should be brought into regular establishment and posted as Animal Husbandry Assistant. As per G.O, the petitioner and others were brought into regular establishment in the regular time scale of pay and appointed temporarily as Animal Husbandry Assistant in time scale of pay Rs.2610-60-3150-65-3540 on 28.06.1999 and joined duty on 01.07.1999. Thereafter, the petitioner made a representation dated 30.04.2019 to the 1st respondent to regularize his service from the date of initial appointment as given to similarly placed persons. Till date, the representation has not been considered so far. Hence, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that this Court had granted relief to the persons, who are similarly placed persons like him were approached this Court and had filed W.P.No.26753,17559 and 26962 of 2008 for regularisation from the date of regular appointment i.e., 1.7.99. The said petitions were dismissed and then writ appeal filed in W.A.No.226 and 491 of 2012 and 1271/2012 and the same were allowed. Against which SLP filed and the same was dismissed. The learned counsel for the petitioner further submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner dated 30.04.2019 and pass orders, within a stipulated time fixed by this Court.

4.Heard both sides.

5.Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 30.04.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

KP

To

- 1.The State of Tamil Nadu rep. By its
Secretary to Government,
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- 2.The Commissioner and Director of
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DMS Building, Chennai-6.
- 3.The Regional Joint Director,
Animal Husbandry Department,
Thiruvavur,
Thiruvavur District.
- 4.The Assistant Director,
Animal Husbandry Department,
Thiruvavur,
Thiruvavur District.

+1cc to Mr.G.Elanchazhiyan, Advocate SR.No.97432

+1cc to Government Pleader, High Court, Madras SR.No.98025

CA(CO)
GMY(03/01/2020)

W.P.No.32798 of 2019

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