



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2436 of 2013

WEB COPY

- 1.L.Dhanasekaran
- 2.A.Ramachandran
- 3.A.Parasuraman
- 4.S.Thangavelu
- 5.T.Paulraj
- 6.R.Sivakumar
- 7.K.Rajamani
- 8.S.Dhanalakshmi Ammal
- 9.K.Shanmugha Valli
- 10.K.Kannayan
- 11.S.Boominathan
- 12.T.Balu
- 13.A.Chinnathambi
- 14.K.Muthammal
- 15.C.Valarmathi
- 16.T.Gowri
- 17.R.Vanmathi

... Petitioners

vs.

- 1.The District Adi Dravidar and Welfare Officer
Collectorate Complex, Ramanathapuram
- 2.The District Collector of Ramanathapuram
Office of Collectorate, Ramanathapuram



3.The Director
Adi Dravidar Welfare Department
Chepauk, Chennai-600 005

4.The Commissioner
Adi Dravidar and Welfare Department
Chennai-600 005

5.The Secretary
Adi Dravidar and Welfare Department
Chennai-600 009

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned proceedings of the 1st respondent dated 03.08.2012 made in Na.Ka.No.6-67067/2008 and quash the same and for a direction directing the 4th Respondent to fix the payment of time scale with effect from their original date of appointment i.e. from 14.12.2005 instead of 01.02.2011.

For Petitioners : Mrs.G.Vidhya Maheswaran

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

O R D E R

The order of rejection, dated 03.08.2012, issued by the first respondent, rejecting the claim of the writ petitioners to fix the regular time scale of pay with effect from their initial date of appointment i.e., 14.12.2005, is under challenge in the present writ petition.

2. The writ petitioners were initially engaged as Cooks on consolidated pay salary with effect from 14.12.2005. They were continuing as consolidated pay employees for a considerable length of time. Subsequently, they were brought under the regular establishment in the regular time scale of pay with effect from 01.02.2011. The said benefit of regularization was granted pursuant to the Government Order issued in G.O.(Ms) No.25, Adi Dravidar Welfare Department, dated 25.02.2011. Accordingly, the writ petitioners became the permanent employees and the regular time scale of pay was also fixed.

3. Now, the writ petitioners claim that the regular time scale of pay is to be granted to them with effect from 14.12.2005, the date on which they were engaged as consolidated pay employees. The said claim was rejected, on the ground that the case of the writ petitioners for permanent absorption was considered based on G.O.(Ms) No.25, Adi Dravidar Welfare Department, dated 25.02.2011.



Thus, the regular time scale of pay granted pursuant to the Government Order on permanent absorption cannot be granted with retrospective effect, so as to grant regularization with effect from the year 2005.

4. This Court is of the considered opinion that the initial appointment of the writ petitioners was not made in accordance with the recruitment rules in force. However, the Government itself considered the services rendered by the writ petitioners and granted the benefits of regularization and permanent absorption. The grant of regularization and permanent absorption to these writ petitioners itself is a concession extended by the Government. Thus, now, they cannot seek retrospective grant of regular time scale of pay with effect from the date on which they were engaged as consolidated pay employees.

5. Time scale of pay was granted to these writ petitioners from the date on which they were brought under the regular establishment as regular employees. Thus, there is no infirmity in respect of the actions taken by the respondents with reference to the Government Order issued in G.O.(Ms) No.25, Adi Dravidar Welfare Department, dated 25.02.2011. The claim of the writ petitioners for grant of regular time scale of pay with retrospective effect cannot be considered as their initial appointment was irregular and they were appointed as consolidated pay employees. The concession granted cannot be extended with retrospective effect. In this regard, the writ petitioners have not established any legal right and accordingly, the time scale of pay is to be granted with effect from the date of regularization in the sanctioned post in the time scale of pay.

6. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The District Adi Dravidar and Welfare Officer,
Collectorate Complex, Ramanathapuram.

2.The District collector of Ramanathapuram,
Office of Collectorate, Ramanathapuram.



3.The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai-600 005.

4.The Commissioner,
Adi Dravidar and Welfare Department,
Chennai-600 005.

5.The Secretary,
Adi Dravidar and Welfare Department,
Chennai-600 009.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 81953

W.P. (MD) No.2436 of 2013
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TNSR(CO)
TR (29.08.2019) 4P 7C