



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.12.2019**
CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD**

**W.A.[MD]No.1445 of 2017
against WP(MD)No.19572 of 2016
and C.M.P. No.11064 of 2017**

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
2. The Commissioner/Director of Survey
and Settlement,
Chepauk, Chennai.
3. The Additional Director of Survey
and Land Records,
Chepauk, Chennai
4. The Assistant Director of Survey and Land Records,
Madurai-20, Madurai District : Appellants/Respondents

Vs.

D.Veerarajan : Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 07.10.2016 made in W.P(MD)No.19572 of 2016.

Prayer in WP(MD) . 19572/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2 and 4 respondents to regularise the service of the petitioner from the date of his initial appointment as per G.O.Ms.No.996, P and A reforms (placements) department, dt.22.09.1984 and to give notional promotion to the petitioner and to pay the monetary benefits retrospectively.

For Appellant : Mr.V.R.Shanmuganathan,
Special Government Pleader

For Respondent : Mr.P.Andiraj



JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]

Heard learned counsel appearing for the Appellants/State and
learned counsel appearing for the respondent.

2. Learned counsel appearing for the State has very fairly invited the attention of this Court to the Division Bench judgment in the case of the Government of Tamilnadu and others Vs. G.Sivaraman (W.A.No.550 of 2015, decided on 20.04.2018), raising an identical issue. Paragraphs 2 and 3 of the said judgment are extracted herein under:

"2. The facts that led to the filing of the writ petitions are as follows:-

The petitioners, who are the respondents herein among with others were appointed as Junior Assistants on contract basis on a consolidated pay of Rs.450/-per month by the proceedings of the Special Assistant Director of Survey and Land Records, Salem dated 21.01.1983. It is not in dispute that the petitioners have been in continuous service ever since their appointment. By G.O.Ms.No.910 Commercial Taxes and Religious Endowments Department, dated 10.08.1983, services of Junior Assistants, who were appointed on consolidated pay were regularised by the Department. G.O.Ms.No.996 Personnel and Administrative Reforms (Placements) department, dated 22.09.1984 provides for regularisation of those where were appointed on contract basis also. The services of the petitioners were regularised on 18 January 1990. The petitioners claimed the benefits with effect from the date of the Government Order in G.O.Ms.No.996 dated 22 September 1984. Since the same was denied, they have approached this Court with the writ petitions seeking the following prayer:-

"... to issue direction to the respondents to regularise their services from the date of their initial appointment as Junior Assistants on consolidated pay i.e, from 28.01.1983 and 31.01.1983 respectively and to grant consequential service and monetary benefits including promotion as Superintendents on such regularisation from the date of initial appointment."

3. It is not in dispute that the respondents had been appointed through regular recruitment. In view of the ban on recruitment, the respondents were appointed on consolidated pay. The fact remains that the said



appointments were against sanctioned vacancies and the Government also thought fit to regularise their services with effect from 18.01.1990. In the above background, we do not find any error in the order passed by the learned single Judge in directing regularisation of their service. However, the learned single Judge had further directed that their regularisation will be with all consequential benefits. We make it clear that consequential benefits will be restricted to their retirement benefits and pension alone. They will not be entitled to claim salary as regular employee before the date of their actual regularisation i.e., on 18.01.1990."

3.The present also a being a case of claiming regularisation with effect from the date of appointment, the Writ Appeal is disposed of adopting the observations as extracted herein above with a direction that the respondent/petitioner will be entitled to regularisation, but, the consequential benefits will be restricted to the retirement benefits and pension alone. The respondent/petitioner shall not be entitled to claim salary as regular employee prior to the date of regularisation.

4.The Writ Appeal stands disposed of accordingly. However, there is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

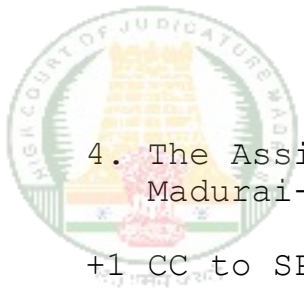
Sub Assistant Registrar(CS)

Arul

To

1. The Revenue Department,
Government of Tamil Nadu,
Secretary to Government,
Fort St. George, Chennai - 9.
- 2.The Commissioner/Director of Survey
and Settlement,
Chepauk, Chennai.
- 3.The Additional Director of Survey
and Land Records,

<https://hcservices.clerkscourt.in/hcservices>



4. The Assistant Director of Survey and Land Records,
Madurai-20, Madurai District

+1 CC to SPL.GP (SR-106039[F] dated 19/12/2019)

WEB COPY

JUDGMENT MADE IN
W.A.[MD]No.1445 of 2017
and C.M.P. No.11064 of 2017
18.12.2019

MK (07.01.2020) 4P 6C