

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.16561 OF 2005

1.V.Bhavani

2.R.Dhanalakshmi

3.S.Rose

... Petitioners

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Animal Husbandry & Fisheries Department
Fort St. George,
Chennai - 600 009.

2.The Commissioner and Director
of Veterinary Services
DMS Building,
Chennai - 600 006.

3.The Regional Joint Director
of Animal Husbandry
Kancheepuram,
Kancheepuram District.

4.The Deputy Director
Fodder Seed Production Farm
Padappai, Sitlapakkam,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent by his proceedings in Na.Ka.No.457-A-1/2005 dated 30.03.2005 and quash the same consequently direct the respondents to reinstate the petitioners in service with all attendant benefits and direct the respondents to regularise the petitioners service on par with petitioners' juniors.

For Petitioners : Mr.S.Gunasekaran

For Respondents : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

The writ petitioners joined as Casual Labourers in the year 1990 and have put in ten years of service. In G.O.Ms.No.116, Animal Husbandry and Fisheries Department, dated 07.05.1997, the Government has taken a conscious decision to regularise the services of Casual Labourers, who have completed ten years of service. Before the Government Order being implemented, several Casual Labourers have approached the Tamil Nadu State Administrative Tribunal and obtained orders in their favour. One of the juniors of the petitioners, namely, Babu was regularised in service. However, without due regard to the seniority, the petitioners were directed to be regularised in 2007, whereas, they are entitled to be regularised on par with their juniors. Subsequently, the petitioners were terminated from service vide order dated 30.03.2005 of the fourth respondent.

2. It is an admitted fact that the Government has taken a policy decision to regularise the services of the Casual Labourers who have completed ten years of service. If that being so, the petitioners should also be regularised as per their seniority.

3. It is stated that one of the juniors of the petitioners namely Babu was regularised in service and the petitioners were pushed down in their seniority. It is also represented that the termination order has been set aside and they are regularised.

4. The only issue which remains to be resolved is the seniority position of the petitioners. Considering the facts and circumstances of the case, a direction is issued to the first respondent to consider the seniority position of the petitioners on the basis of their representation and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Animal Husbandry & Fisheries Department
Fort St. George,
Chennai - 600 009.

2.The Commissioner and Director
of Veterinary Services
DMS Building,
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+1cc to the Government Pleader sr.6157

+1cc to Mr.S.Gunasekaran, Advocate Sr.5118

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srg 25/09/2020



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