

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 39735 of 2006
(O.A.No.202 of 1999)

A.Isaac,
Dairy Extension Assistant,
Cattle Breeding & Fodder Development,
Tambaram @ Chitlapakkam,
Chennai-64. Petitioner

Versus

- 1.The Secretary to Government of Tamilnadu
Animal Husbandry & Fisheries Department,
Fort St.George,
Chennai-9.
- 2.The Director of Animal Husbandry,
Central Office Buildings,
Teynampet, Chennai-6. Respondents

PRAYER: Originally this petition has been filed as Original Application No.202 of 1999 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.39735 of 2006.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in Letter No.11735/AH1/98-6 on the file of the first respondent, quash the order passed by the first respondent in letter No.11735/AH1/98-6 dated 30.11.98 and consequently direct the second respondent to regularise the service of the petitioner in the cadre of Dairy Assistant with effect from 30.10.1973 with attendant benefits.

For Petitioner : No appearance
For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

Earlier when the matter was taken up for hearing on 06.10.2020, there was no representation for the petitioner and

the matter was directed to be listed under the caption 'for final disposal' on 04.11.2020. Again the matter was taken up for hearing on 04.11.2020, there was no representation for the petitioner and the matter was directed to be posted on 25.11.2020 under the caption 'for dismissal'. Due to high Court holiday, the matter was taken up today i.e., 27.11.2020. Even today, there is no representation for the petitioner.

2. Originally the petitioner filed Original Application No.202 of 1999 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and renumbered as W.P.No.39735 of 2006.

3. This Writ Petition has been filed challenging the order passed by the first respondent in Letter No.11735/AH1/98-6 dated 30.11.98 and seeks to quash the same and consequently direct the second respondent to regularise the service of the petitioner in the cadre of Dairy Assistant with effect from 30.10.1973 with attendant benefits.

4. The learned Special Government Pleader would submit that he was originally working as Livestock Assistant Grade-II from 10.8.59 subsequently he was promoted as Dairy Assistant on 20.07.1994 and retired on superannuation on 31.3.99. Though he has to file application within two years from the date of appointment. But, he has filed application only in the year 1988. Therefore, he is not entitled for the relief sought for. Hence, he seeks to dismiss the Writ Petition.

5. Heard and perused the records available on record.

6. It is seen that the petitioner is continuously not present. The petitioner was working as Livestock Assistant Grade-II from 10.8.59 and promoted as Dairy Assistant on 20.07.1994 and retired on superannuation on 31.3.99. But the Original Application was filed only in the year 1999 i.e., at the verge of his retirement to regularise his service, which application has to be made within three years from the date of entry into service. Therefore, the petitioner is not entitled for the relief sought for in the Writ Petition and this Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mpa

To

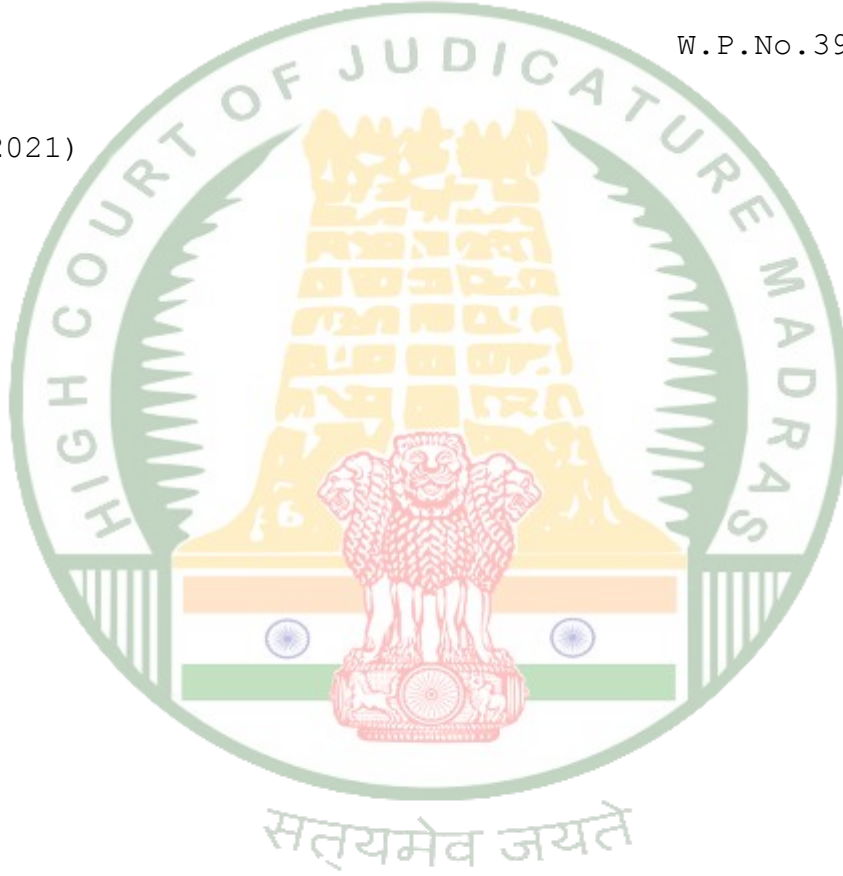
1.The Secretary to Government of Tamilnadu
Animal Husbandry & Fisheries Department,
Fort St.George,
Chennai-9

2.The Director of Animal Husbandry,
Central Office Buildings,
Teynampet, Chennai-6.

+lcc to the Government Pleader, S.R.No. 38255

W.P.No.39735 of 2006

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