

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 19690 of 2017

K.Raman

..Petitioner

Vs

1.The State of Tamilnadu rep. By its
Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat, Chennai - 9.

2.The Commissioner of Art & Culture,
Directorate of Art and Culture,
Halls Road, Egmore,
Chennai-8.

3.The Principal,
Government College of Architecture and
Sculpture,
Mamallapuram,
Kancheepuram District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records connected in Pro.No. 6002/A3/2015, dated 04.01.2017 passed by the 2nd respondent and quash the same in so far as it restrict the petitioner's regularisation in the post of Lecturer from 11.08.2009 and consequently direct the respondents to regularise the petitioner's service in the post of Lecturer from the date of joining duty w.e.f. 27.11.2000 with all benefits as was given to J.Rajendran and R.Neelamegam case.

For Petitioner : M/s.G.Elanchezhian
For Respondents : Mr.J.Ramesh,AGP

O R D E R

The prayer sought for in the Writ Petition is to calling for the records connected in Pro.No. 6002/A3/2015, dated 04.01.2017 passed by the 2nd respondent and quash the same inso far as it restrict the petitioner's regularisation in the post of Lecturer

from 11.08.2009 and consequently direct the respondents to regularise the petitioner's service in the post of Lecturer from the date of joining duty w.e.f. 27.11.2000 with all benefits as was given to J.Rajendran and R.Neelamegam.

2. Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents and perused the documents available on record.

3. The learned counsel for the petitioner submitted that the writ petitioner was appointed as regular instructor on 04.01.1999, thereafter he was appointed as Lecturer on 24.11.2000 and as such he continuing in the same post till today. Writ petitioner made representation to the 2nd respondent on 24.03.2011 to regularise the service in the post of instructor. The 2nd respondent has sent proposal to the Government/1st respondent to regularise the services of the petitioner. Since the Government has not passed orders, he made several representations to the regularise his service. In the meantime similarly placed persons namely filed writ petitions, seeking regularisation of their services and obtained orders. Pursuant to the orders passed by this Court, the Government framed ad-hoc rules vide G.O.(Ms)No.264, Tourism, Culture and Religious Endowments (Cul-1-1) Department, dated 29.10.2014. Based on the aforesaid ad-hoc rules, the Government have regularised services of one J. Rajenderan and K.Jayasankaran w.e.f 27.11.2000 vide G.O.Ms. No. 267, dated 29.10.2014 and G.O.Ms.No. 01, dated 02.01.2015 respectively. But the petitioner's services came to be regularised only w.e.f. 11.08.2009 instead of 27.11.2000. The writ petitioner made representation to the authorities concerned to regularise his service w.e.f 27.11.2000 on par with the similarly placed persons. The said representation was rejected by the respondent by the respondent. Challenging the same, the present writ petition is filed.

4. According to the learned counsel for the petitioner, the services of the similarly placed persons and his junior were regularised from the date of their appointment i.e w.e.f 27.11.2000, but the writ petitioner's service was regularised only we.f. 11.08.2009 instead of 27.11.2000. Therefore, the decision of the 2nd respondent is illegal and arbitrary and the same is liable to be set aside.

5. On the other hand, the learned Additional Government Pleader by reiterating the counter affidavit filed on behalf of the respondent, has submitted that the services of the aforesaid persons namely Rajendran, and Jayasankar, Neelamegan came to be regularised by the respondent as per the orders issued by the

Government. The writ petitioner's service was also regularised by the 2nd respondent w.e.f. 11.08.2009 based on the Government letter No.15057/C1-1/2015-3, dated 28.11.2016 and letter No. 3831/CD-C1/2016, dated 05.10.2016 of the Tamil Nadu Public Service Commission, hence there is nothing discrimination about the order. The orders of regularisation of his counterparts and his junior were all issued based on the Court judgments and directions of the Government.

6. Considering fact that the petitioner was promoted as Lecturer along with others on 24.11.2000 in accordance with rules and he joined duty in the promotion post on 27.11.2000, this Court is of the view that the service of the writ petitioner has also to be regularised from the date of promotion as granted to the similarly placed persons.

7. In view of the foregoing reasons, the impugned order passed by the 2nd respondent in Pro.No. 6002/A3/2015, dated 04.01.2017 is quashed. The writ petition is allowed with the direction to the respondents to consider the case of the writ petitioner and regularize the service of the writ petitioner w.e.f. 27.11.2000 i.e. from the date of promotion as Instructor and pass appropriate orders as expeditiously as possible, within a period of twelve (12) weeks from the receipt of a copy of this Order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ak
To

1.The Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat, Chennai - 9.

2.The Commissioner of Art & Culture,
Directorate of Art and Culture,
Halls Road, Egmore,
Chennai-8.

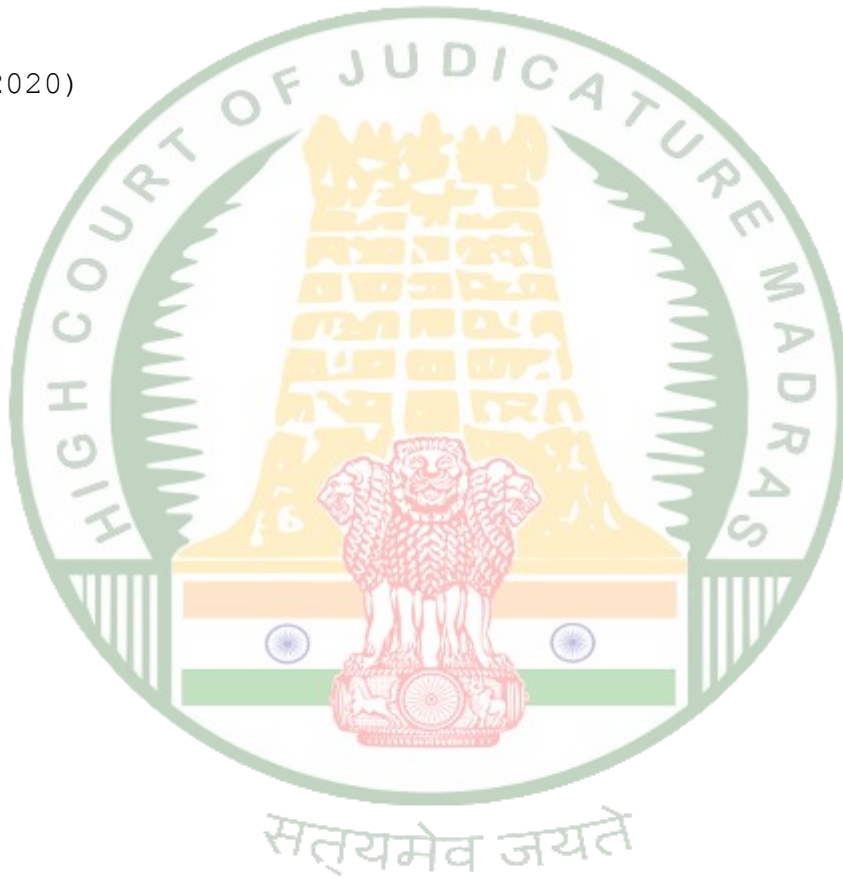
3.The Principal,
Government College of Architecture and
Sculpture,
Mamallapuram,
Kancheepuram District.

+1 CC to Government Pleader sr 18262.

+1 CC to Mr.G. Elanchezhiyan, Advocate sr 18136.

W.P.No. 19690 of 2017

RJI (CO)
SP(30/07/2020)



WEB COPY