



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.P.SAHI, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.[MD]Nos.28, 320, 321, 325, 706 and 1593 of 2018

and

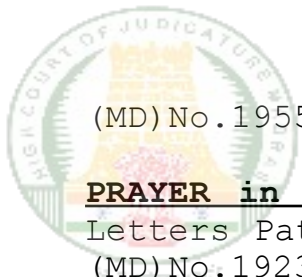
C.M.P. (MD)Nos.169, 2007, 2019, 2034, 4046 and 11455 of 2018

- 1.The Government of Tamil Nadu,
represented 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 in all Writ Appeals
Vs.
- | | |
|---------------|------------------------------------|
| N.Kamuthurai | : Respondent in WA(MD)No.28/2018 |
| S.Gunasekaran | : Respondent in WA(MD)No.320/2018 |
| P.Venkatesan | : Respondent in WA(MD)No.321/2018 |
| K.Asaithambi | : Respondent in WA(MD)No.325/2018 |
| M.Selvaraj | : Respondent in WA(MD)No.706/2018 |
| B.Muthumayan | : Respondent in WA(MD)No.1593/2018 |

PRAYER in WA(MD)No.28/2018: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P. (MD)No.22766 of 2016, dated 29.11.2016.

PRAYER in WA(MD)No.320/2018: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P. (MD)No.19181 of 2016, dated 09.11.2016.

PRAYER in WA(MD)No.321/2018: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P.



(MD)No.19557 of 2016, dated 09.11.2016.

PRAYER in WA(MD)No.325/2018: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P. (MD)No.19234 of 2016, dated 09.11.2016.

PRAYER in WA(MD)No.706/2018: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P. (MD)No.19182 of 2016, dated 09.11.2016.

PRAYER in WA(MD)No.1593/2018: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed by this Court in W.P. (MD)No.22510 of 2016, dated 24.11.2016.

Prayer in WP(MD)No.22766/2016

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd 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.

Prayer in WP(MD)No.19181/2016

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd and 4th 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.

Prayer in WP(MD)No.19557/2016

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd and 4th 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.

Prayer in WP(MD)No.19234/2016

Writ Petition 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 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.

Prayer in WP(MD)No.19182/2016

Writ Petition 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.

Prayer in WP(MD)No.22510/2016

Writ Petition 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 Appellants in all Writ Appeals : Mr.V.R.Shanmuganathan
Special Government Pleader

For Respondent in WA(MD)Nos.
320, 321, 325 & 706/2018 : Mr.N.Andiraj

For Respondent in WA(MD)Nos.28 &1593/18:No appearance

COMMON JUDGMENT

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

The issue raised in all these Writ Appeals filed by the Government of Tamil Nadu is stated to be squarely covered by the ratio of the judgment in the case of Government of Tamil Nadu and others vs. S.Sivaraman (W.A.No.5506 of 2015, decided on 20.04.2018). The said judgment has also been followed later on by us in our judgment, dated 18.12.2019 in W.A.(MD)No.1445 of 2017. Paragraphs 2 and 3 of the said judgment are extracted hereunder:

"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 Tamil Nadu 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 who 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 being a case of claiming regularisation with effect from the date of appointment, the Writ Appeal is disposed of adopting the observations as extracted hereinabove 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.”

2. These Writ Appeals are disposed of accordingly. However, there is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

gcg/cmr

+1 CC to M/s.SPL.GP (SR-8430[F] dated 26/02/2020)

COMMON JUDGMENT MADE IN
W.A.[MD]Nos.28, 320, 321, 325, 706 and 1593 of 2018
25.02.2020

SMA/17/03/2020/5P/2C