



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A.No.1554 of 2021 and C.M.P.No.9798 of 2021
(Heard through VC)

1. The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries
(AH6) Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
2. The Director of Animal Husbandry and
Veterinary Services,
DMS Complex, Chennai 600 006.
3. The Regional Director of Animal Husbandry,
Thanjavur Region, Thanjavur 613 001.
4. The Deputy Director of Animal Husbandry,
Exotic Cattle Breeding Farm,
Etchankkottai, Orathanadu Taluk,
Thanjavur District - 614 902

.. Appellants/Respondent

Vs.

V.Muthuramalingam

.. Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letter Patent to set aside the order dated 12.12.2019 passed in W.P.No.692 of 2018 and allow this writ appeal.

Prayer in W.P.No.692/18

To issue a writ of certiorari field Mandamus calling for the proceedings of the 1st respondent dated 07.12.2017 made in Letter No.18425/AH6/2016-6 and quash the same consequently directing the respondents herein to appoint the petitioner as Animal Husbandry Assistant in the Exotic Cattle Breeding Farm Etchankkottai Thanjavur District or any other place under the control of Animal Husbandry Department



For Appellants : Mr.R.Neelakandan
State Government Counsel
For Respondent : Mr.S.Gunasekaran

JUDGMENT

[Judgment of Court was delivered by PUSHPA SATHYANARAYANA, J.]

The Writ Appeal is directed against the order dated 12.12.2019 passed by the learned Single Judge in W.P.No.692 of 2018, wherein the respondent/writ petitioner had challenged the proceedings of the first appellant dated 07.12.2017 rejecting his request to regularize his service in the Animal Husbandry Department.

2. It is not in dispute that the respondent herein had been working with the fourth appellant from the year 1986. There seems to be an oral termination in the year 1992, which was challenged by raising an Industrial Dispute before the Labour Court, Cuddalore in I.D.No.153 of 1993 and it was decided in favour of the respondent on 18.12.1997. The Labour Court directed to reinstate the petitioner with back wages with effect from 01.04.1992. Accordingly, the petitioner was reinstated by the fourth appellant on 24.09.2010, in compliance with the orders of the Labour Court.

3. It is pointed out by the respondent/writ petitioner that persons placed similarly like that of the respondent / writ petitioner, had been regularized by relaxing the recruitment Rules as per G.O.Ms.No.17 dated 03.02.2004. It is also pointed out that, out of the total sanctioned strength to the post of Animal Husbandry Assistants, there are several posts lying vacant and the respondent can easily be accommodated and his services can be regularized.

4. Though it is argued by the learned State Government Counsel appearing for the appellants that, however long the employment may be, he cannot be regularized and the respondent cannot claim it as a matter of right to be appointed as Animal Husbandry Assistant, the learned Single Judge, after considering the arguments made on either side, had allowed the Writ Petition by quashing the impugned order.

5. We have given our anxious consideration to the facts.

6. Admittedly, the respondent was engaged by the appellants in the year 1986 and was terminated in the year 1992 and an Industrial Dispute raised was decided in his favour and the order was implemented by the fourth appellant. In G.O.Ms.No.17 dated 03.02.2004 referred above, the Government had relaxed the recruitment Rules insofar as 804 persons to be



appointed as Animal Husbandry Assistants and the respondent herein alone cannot be treated differently. Pursuant to the said G.O, G.O.Ms.No.117 dated 28.08.2008 was also passed for regularizing the services of the Casual Laborers and taking them on regular basis as Animal Husbandry Assistants.

7. Therefore, having extracted the work from the respondent/writ petitioner since 1986, it would be unfair, if his services are not regularized even at the verge of his retirement.

8. Therefore, we see no infirmity in the order of the learned Single Judge. Accordingly, the Writ Appeal is dismissed. No costs. Consequently C.M.P is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

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Thanjavur District - 614 902

+1cc to Mr.S.Gunasekaran, Advocate, S.R.No.31846
+1cc to the Government Pleader, S.R.No.31973

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AJS (CO)
CT(10/08/2021)