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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NOS.23878 TO 23882 OF 2012
AND MP NOS.1 TO 1 OF 2014

K.Chandrakumari ... Petitioner in WP No.23878/2012
S.Antony Aknasi ... Petitioner in WP No.23879/2012
Thangaponnu ... Petitioner in WP No.23880/2012
M.Ravikumar ... Petitioner in WP No.23881/2012
K.Mariappan ... Petitioner in WP No.23882/2012

Vs.

1.The Government of Tamil Nadu
Rep. by the Secretary to Government
Animal Husbandries and Fisheries
Department
Secretariat, Chennai.

2.The Commissioner of Animal
Husbandry and Veterinary Services
Chennai - 6.

3.The District Collector
Dindigul.

4.The Joint Director
Animal Husbandry Department
Dindigul. ... Respondents 1 to 4 in all WPs'

Common PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 08.05.2012 on the file of the second respondent herein without observing / regularising the petitioners while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District.

For Petitioner : Mr.V.Raghavachari
(in all WPs')

For Respondents: Mr.C.Selvaraj
(in all WPs') Government Advocate (Civil Side)

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COMMON ORDER

The petitioners sought to forbear the respondents from filling up the post of Animal Husbandry Assistants on the basis of the letter of the second respondent dated 08.05.2012.

2.On 08.05.2012, the second respondent addressed a letter to the third respondent to initiate the recruitment process for appointment of Animal Husbandry Assistants. According to the petitioners, they were appointed as part time workers in the Animal Husbandry Department in April 2000. They were continued to work as part time helpers in Veterinary Sub Centres. They have also approached the Tamil Nadu State Administrative Tribunal seeking regularisation. In spite of directions issued by the Tribunal, they were not regularised in service.

3.The Government issued orders in G.O.Ms.No.528, Personnel and Administrative Reforms Department, dated 10.10.1988 that the persons working on part time basis are eligible to be absorbed irrespective of the number of years of service. Further, vide G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, Government issued orders to regularise the services of the Casual Labourers, who have completed more than 10 years of service as on 01.01.2006.

4.As per the above Government Orders, all the Casual Labourers, daily wagers or part time workers, who have completed ten years of service, were absorbed in Government service. Even though the petitioners have completed 12 years of service on the date of filing of these writ petitions and 21 years of service as of today, they are not absorbed.

5.Further, as per G.O.Ms.No.88, Animal Husbandry, Dairying and Fisheries (AH6) Department, dated 03.05.2012, orders were issued to fill up 1320 vacancies for the post of Animal Husbandry Assistant for the year 2011-2012. The petitioners are entitled to get absorbed in the post of Animal Husbandry Assistant as they have completed ten years of service.

6.According to the respondents, the service of the petitioners is only watering and sweeping, which would consume only 30 minutes in the morning, for which they have paid salary of Rs.2/- (Rupees Two Only) per day. Therefore, they were not engaged as Animal Husbandry Assistants and they are not eligible to be regularised as Animal Husbandry Assistants.

7.However, from the perusal of the counter affidavits filed by the respondents, it is clear that the petitioners were

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engaged to do part time work from April 2000 onwards and they have put in more than 12 years of service on the date of filing of these writ petitions. The Government, by G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006 have ordered regularisation of the Casual Labourers, who have completed ten years of service. This Government Order was followed by another Government Order in G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013. On the date of issuance of G.O.Ms.No.74, the petitioners have completed more than 13 years of service. The other grounds for the respondents for not regularising the petitioners in the post of Animal Husbandry Assistant is that they were not sponsored through Employment Exchange.

8.Be that as it may, the fact remains that the petitioners are working for more than 21 years as Casual Labourers under the respondents. In that event, they shall be considered for regularisation as per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006 and G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, as the conditions can be relaxed and actually relaxed in several cases.

9.Therefore, a direction is issued to the respondents to consider the case of the petitioners for absorption in the post of Animal Husbandry Assistant, if they are not eligible, at any rate, they shall be regularised in service, as per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006 and G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10.The writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Secretary to Government
Government of Tamil Nadu
Animal Husbandries and Fisheries Department
Secretariat, Chennai.

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2.The Commissioner of Animal
Husbandry and Veterinary Services
Chennai - 6.

3.The District Collector
Dindigul.

4.The Joint Director
Animal Husbandry Department
Dindigul.

+5cc to Mr.V.Raghavachari, Advocate, S.R.No.33827
+1cc to the Government Pleader, S.R.No.34346

WP NOS.23878 TO 23882 OF 2012

SSI(CO)
CB(20/09/2021)

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