



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NOS.4656 TO 4660 OF 2015

P.Chandiran

... Petitioner in
W.P.No.4656 of 2015

V.Malliga

... Petitioner in
W.P.No.4657 of 2015

R.Shanmugam

... Petitioner in
W.P.No.4658 of 2015

K.Mohan

... Petitioner in
W.P.No.4659 of 2015

V.Rajendran (deceased)

1. R.Vijayalakshmi

2. R.Poonguzhali

3. Dharani

(P1 to P3 are substituted in the place
of the original petitioner, as per the
order dated 22.03.2021 made in
W.M.P.No.2312/2020)

... Petitioners in
W.P.No.4660 of 2015

.Vs.

The State of Tamil Nadu
Rep. by Secretary to Government,
Revenue Department,
Chennai - 600 009.

... Respondent in
all the W.Ps

COMMON PRAYER:-

Writ Petitions filed under Article 226 of the Constitution
of India to issue a Writ of Mandamus, directing the respondent
to apply the ratio laid down by this Hon'ble Court in Judgment



dated 25.03.2014 in W.P. Nos.12477 of 2007 and 12478 of 2007 to the case of the petitioner and to regularize the service of the petitioner with effect from 25.06.1984 with all consequential benefits as per G.O.Ms.No.996, Personnel & Administrative Reforms (P) Department dated 22.09.1984, thereby reckoning the total qualifying service for Pensionary benefits.

In all W.Ps

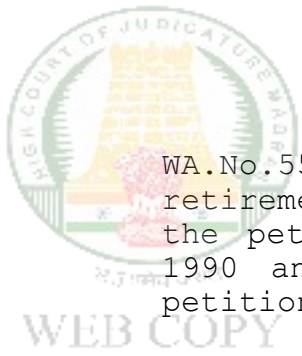
For Petitioners : Mr.M.Ravi

For Respondent : Mr.S.Thangavel
Special Government Pleader

COMMON ORDER

The relief sought in these writ petitions is to direct the respondent to apply the ratio laid down by this Court in the order dated 25.03.2014 in W.P.Nos.12477 and 12478 of 2007 to the case of the petitioners and to regularize their services with effect from 25.06.1984 with all consequential benefits as per G.O.Ms.No.996, Personnel & Administrative Reforms (P) Department dated 22.09.1984, thereby reckoning the total qualifying service for Pensionary benefits.

2. According to the petitioners in first four writ petitions and the original petitioner in W.P.No.4660 of 2015, they were initially appointed as Junior Assistant/Typist in the year 1983 in the Survey and Land Records Department having sponsored by the District Employment Exchange on consolidated pay of Rs.450/- per month. Subsequently, they were placed under the time scale of pay and their services were regularised and were also promoted as Assistants. It is the further case of the petitioners that G.O.Ms.No.996, Personnel and Administrative Reforms (Placements) Department, dated 22.09.1984, came to be issued regularising the services of all the temporary personnel in the category of Junior Assistant, Typist and Steno Typist in the Tamil Nadu Ministerial Service, Tamil Nadu Judicial Ministerial Service and Typist and Steno typist in the Tamil Nadu Secretariat Service recruited through Employment Exchange under General Rule 10(a)(i) and who were in temporary service as on 25.06.1984 and in the department in which they were working. Thereafter, this Court by order dated 25.03.2014 in WP.Nos.12477 and 12478 of 2007, directed the respondents therein to regularise the services of the similarly placed persons with effect from 25.06.1984 with all consequential benefits. The said order was also affirmed by a Division Bench of this Court in



WA.No.550 of 2015 by judgment dated 20.04.2018 to the extent of retirement benefits and pension alone. However, the services of the petitioners were regularized only during the years 1987 - 1990 and not with effect from 25.06.1984. Hence, these writ petitions.

3. Upon notice, the respondent filed a detailed counter affidavit, inter alia stating that the claim of the petitioners cannot be considered and the orders issued in G.O.(Ms) No.996, Personnel and Administrative Reforms Department, dated 22.09.1984 cannot be applied to them. It is also stated therein that if the order of this Court dated 25.03.2014 in W.P.Nos.12477 and 12478 of 2007 is implemented in the case of the petitioners, the services of similarly placed persons appointed in consolidated pay posts during the period from 1983 to 1994 and then absorbed in time scale of pay posts in this department and in other departments, have to be regularised from 25.06.1984 and the same will cause huge financial implications to the Government. It is also stated that at the time of issuance of G.O.Ms.No.996 Personnel and Administrative Department (placements) dated 22.09.1984, the petitioners were working only in the consolidated pay posts of Junior Assistant/ Typist and not working in time scale of pay posts and hence, the services of the petitioners cannot be regularised with effect from 25.06.1984.

4. The aforesaid submissions made in the counter affidavit filed by the respondents have been refuted by the learned counsel for the petitioner. He submitted that the petitioners would be satisfied, if the representations of the petitioners dated 20.06.2014 are directed to be considered by the respondents in the light of the order dated 25.03.2014 in WP.Nos.12477 and 12478 of 2007, which was confirmed by the Division Bench by judgment dated 20.04.2018 in WA.No.550 of 2015, within a reasonable time to be fixed by this Court, for which the learned Special Government Pleader appearing for the respondents has no serious objection.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representations of the petitioners dated 20.06.2014, and pass appropriate orders on merits and in accordance with law, in the light of the order dated 25.03.2014 in W.P.Nos.12477 & 12478 of 2007 which was affirmed in W.A.No.550 of 2015 dated 20.04.2018, within a period of six weeks from the date of receipt of a copy of this order.



6. Accordingly, all the writ petitions stand disposed of. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mtl

To

The Secretary to Government,
Revenue Department,
Chennai - 600 009.

+1cc to the Government Pleader, S.R.No.19180

W.P.NOS.4656 TO 4660 OF 2015

VM(CO)
PBS/29/11/2021