



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10-06-2021

CORAM

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
WP No.12570 of 2021

K.Servaran

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Petitioner

vs.

1.The Hon'ble Secretary,
Government of Rural Development,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Director,
Rural Development,
Panagal Building,
Chennai-600 015.

3.The District Collector,
Collectorate,
Thenkasi.

4.The Assistant Director,
(Village Panchayat),
Collectorate,
Thenkasi.

5.The Block Development Officer (Panchayat),
Alangulam Taluk,
Thenkasi District.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent herein to regularise the service of the petitioner as Sweeper from the date of his appointment till superannuation and fix the salary as per the time scale and pay all the arrears of wages and other benefits accrued to the petitioner and consequent upon such regularisation, based upon his representation dated 24.02.2021.

For Petitioner : Mr.P.Britto

For Respondents : Dr.S.Suriya,
Government Advocate.



O R D E R

The relief sought for in the present writ petition is to direct the second respondent to regularise the services of the petitioner as Sweeper from the date of his appointment till the date of superannuation and fix the salary as per the time scale of pay and pay all the arrears of salary and other benefits based on the representation submitted by the petitioner on 24.02.2021.

2. The petitioner states that he joined as Sweeper-cum-Scavenger at Keelveeranam Small Village Panchayat during the year 1997 and was working continuously for about 20 years.

3. The petitioner further states that he was allowed to retire from service during the year 2017. However, the services of the petitioner were not regularised and therefore, he could not able to get any pensionary benefits, including pension.

4. The petitioner could not able to establish that he was appointed in accordance with the Rules in force during the relevant point of time.

5. The learned counsel appearing on behalf of the writ petitioner states that no appointment order has been issued. The copy of the Service Records enclosed in the typed set of papers, filed along with the writ petition, show that the petitioner was working as Sweeper and salary has been paid.

6. However, the fact remains that he was appointed in the year 1997 and retired from service in the year 2017.

7. As per the affidavit filed in support of the writ petition, the age of the petitioner as of now is 69 years. Thus, the writ petition itself is belated and filed long after the retirement even as per the petitioner and therefore, the writ petition is to be dismissed on the ground of laches.

8. Regularisation or permanent absorption cannot be granted in violation of the Service Rules in force. If at all the petitioner is appointed in accordance with the Rules in force during the relevant point of time, he should have redressed his remedy while he was in service.

9. The petitioner states that he served for about 20 years and now at the age of 69 years, he filed the present writ petition, seeking the benefit of regularisation.



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10. This being the factum, this Court is not inclined to entertain the writ petition and accordingly, the writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Hon'ble Secretary,
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- 5.The Block Development Officer (Panchayat),
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+1 cc to Government Pleader Sr.No. 27659

WP No.12570 of 2021

PMK(CO)
B.VC(16.07.2021)