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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.07.2021

PRONOUNCED ON : 12.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.24849 of 2019

D.Ravi

... Petitioner

Vs.

Sports Development Authority
of Tamil Nadu,
rep. by its Member Secretary,
EVR Salai, Chennai-84.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the proceedings of the respondent in Na.Ka.No.14484/NA-2/2010 dated 11.02.2014 and to quash the same insofar it denies regularisation of service to the petitioner and consequently direct the respondent to regularize the service of the petitioner on par with the batch mates who were regularized vide proceedings of the respondent in No.51239/A2/93 dated 22.09.1993 with all attendant and consequential benefits.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.I.Sathish

O R D E R

This Writ Petition is heard through Video Conferencing on 27.07.2021.

2. The petitioner's claim for regularization of his service as a Pump Operator with the respondent, was rejected through the impugned order dated 11.02.2014, by placing reliance on G.O.Ms.No.22, Personnel and Administrative Reforms (F), Department, dated 28.02.2006 and G.O.Ms.No.74, Personnel and



Administrative Reforms (F), Department, dated 27.06.2013. The claim of the petitioner for regularization is that after he was terminated from his service on 27.04.1989, the learned I Additional Labour Court, Chennai in its award dated 22.10.1996, had set aside the order of termination and directed the respondents to reinstate the petitioner, together with continuity of service and back-wages. The order of reinstatement came to be affirmed in the Writ Petition, as well as, in the Writ Appeal. The order in the Writ Appeal gave liberty to the petitioner to approach the respondent seeking regularization and since similarly placed persons, who were appointed with the petitioner were regularized in the year 1993 itself, the petitioner claims the rejection order to be illegal.

3. The short point involved in the present case is as to whether the petitioner would be entitled for regularization in the light of the Government Orders made in G.O.Ms.No.22, dated 28.02.2006 and G.O.Ms.No.74, dated 27.06.2013 or not?

4. The petitioner, who claims to have been appointed by the respondent in the year 1987, was terminated from the service on 27.04.1989. Through the award passed by the learned I Additional Labour Court, Chennai in I.D.No.1194 of 1991 dated 22.10.1996, the respondents were directed to reinstate the petitioner back in the service together with back-wages, continuity of service and other attendant benefits. This order of the Labour Court, was partially confirmed by the learned Single Judge of this Court in W.P.No.18200 of 2000, dated 19.11.2009, whereby the award pertaining to reinstatement was confirmed and the direction for payment of back-wages was set aside. There was no specific reference to the continuity of service in the order of the Writ Court. On appeal, the Hon'ble Division Bench in its order dated 31.10.2013, passed in W.A.No.2151 of 2010, had confirmed the order of the learned Single Judge insofar as it related to reinstatement. The order further directed payment of back-wages from the date of award i.e., 22.10.1996, apart from continuity of service. Insofar as the grievance of the petitioner, seeking for regularization is concerned, the Hon'ble Division Bench gave liberty to the petitioner to approach the respondent, with a consequential direction to the respondent to consider his request, in accordance with law. The relevant portion of the order reads as follows:-

"10. There is no denial about the submission of the appellant seeking reinstatement as averred in paragraph 5 of the counter affidavit, from the side of the management. In the absence of any such rebuttal and no proof being filed to show that the appellant was otherwise employed elsewhere from the date of the award till



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30.12.1999, this Court is of the view that the appellant is entitled to get backwages atleast from the date of the award i.e., 22.10.1996 till 30.12.1999 apart from continuity of service, particularly when there is delay on the part of the management in filing the Writ Petition before this Court.

11. In such a view of the matter, we confirm the order of the learned Single Judge insofar as ordering reinstatement is concerned, with a direction to the management to pay salary and other benefits to the appellant from 22.10.1996 to 30.12.1999, within a period of eight weeks from the date of receipt of a copy of this order. If the appellant is having any other grievance relating to the fixation of his pay or seeking right of permanency, it is open to him to approach the management and the said request is bound to be considered by the first respondent management in accordance with law."

5. In the light of the aforesaid facts, it is seen that the petitioner had originally worked under the respondent from 1987 to 27.04.1989, when he was terminated. Thereafter, the Hon'ble Division Bench had restricted his continuity of service from 22.10.1996 till 30.12.1999.

6. Even otherwise, the Hon'ble Division Bench had declined to pass positive orders on the request of the petitioner for regularization. On the other hand, such a request was dealt with by giving liberty to the petitioner to approach the respondent requesting for regularization and the respondent was also given liberty to consider such a request in accordance with law. It is in this background, the petitioner's request came to be rejected through the impugned order dated 11.02.2014.

7. Ultimately, it is seen that the petitioner herein did not put in 10 years of service under the respondent herein at any point of time. While that being so, the impugned order, placing reliance on G.O.Ms.No.22 and G.O.Ms.No.74, which entitles regularization of the temporary / daily rated employees who had put in 10 years of service, cannot be found fault with. In this context, the stand taken by the petitioner that the service of the persons, who had employed along with him have been regularized, cannot be countenanced, since the facts relating to the petitioner's service, would disentitle him with the minimum required years of service.

8. In the result, I do not find any merits in the Writ



Petition. Accordingly, the Writ Petition stands dismissed.
There shall be no orders as to costs.

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Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

DP

To

The Member Secretary,
Sports Development Authority
of Tamil Nadu,
EVR Salai, Chennai-84.

+1cc to Mr.I.Sathish, Advocate, S.R.No.40224

+1cc to M/s.V.Vijay Shankar, Advocate, S.R.No.40655 (29/09/2021)

ORDER MADE IN

W.P.No.24849 of 2019

SR-II (CO)
SU (26/08/2021)