



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.901 of 2021

and

C.M.P(MD)No.4049 of 2021

V.Natarajan

... Appellant / Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government
School Education Department,
Secretariat,
Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The District Educational Officer,
Theni District,
Theni.

4.The District Educational Officer,
Uthamapalayam,
Theni District.

5.The Assistant Elementary Educational Officer,
Cumbum,
Theni.

6.The Headmaster,
Government High School,
Uthamapalayam,
Theni District.

7.The Principal Accountant General of Tamil Nadu (A&E)
361, Annasalai,
Teynampet,
Chennai - 600 018.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
praying to set aside the order dated 28.06.2019 made in W.P.[MD]
No.7342 of 2013 on the file of this Court.



Prayer in WP(MD). 7342/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 26.11.2012 and to regularize the service of the petitioner with fixation of pay in the time scale of pay of Rs.200-5-300 with effect from 9.4.1980 and consequently grant all the service, monetary and pensionary benefits within a time stipulated by this Hon'ble Court.

For Appellant : Mr.K.Prabhu

For Respondents 1 to 6: Mrs.S.Srimathy,
Special Government Pleader

For 7th Respondent : Mr.P.Gunasekaran
Standing Counsel

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This writ appeal filed by the appellant is directed against the order dated 28.06.2019 passed in W.P.[MD]No.7342 of 2013.

2.We have heard Mr.K.Prabhu, learned Counsel for the appellant and Mrs.S.Srimathy, learned Special Government Pleader for the respondents 1 to 6 and Mr.P.Gunasekaran, learned Counsel appearing for the seventh respondent.

3.The appellant filed the writ petition praying for a direction to consider his representation, dated 26.11.2012 and regularise the service with fixation of pay in the time scale of Rs.200-5-300 with effect from 09.04.1980.

4.We have perused the impugned order and we find that the learned Writ Court was perfectly right in dismissing the writ petition noting that the appellant was regularised in service from the year 1995 on attaining the superannuation in the year 2011. Thereafter, he submitted a representation on 26.11.2012 and alleging that the same was not been considered, filed the Writ Petition in the year 2013. Admittedly, the past services were taken into consideration for the purpose of regularization of the appellant. Therefore, the appellant would not be justified in making a claim for retrospective regularization and that too, after he retired from the service.

5. Reliance placed on the orders passed by the Tamil Nadu Administrative Tribunal in O.A.No.2258 of 1991, dated 17.11.1992, can, in no manner, improve the case of the appellant as there is no



direction by the Tribunal to regularize the services of the appellant with retrospective effect. Hence, there are no grounds made out to interfere with the orders passed in the Writ Petition.

6. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government, State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Director School Education,
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- 4.The District Educational Officer,
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- 6.The Headmaster,
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Theni District.

JUDGMENT MADE IN
W.A. [MD]No.901 of 2021
21.04.2021

Dks (CO)

TR(08.06.2021) 3P 7C