



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.999 of 2018
Against WP(MD).9296 of 2012

S.Thangavelu

...Appellant/Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary and
Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Secretary and Commissioner
of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Tirunelveli District, Tirunelveli.

4.The Sub Collector, Cheranmadevi,
Tirunelveli District.

...Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 07.02.2018 made in W.P.(MD)No.9296 of 2012.

Prayer in WP(MD). 9296/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records pertaining to G.O.Ms.No.19 Revenue (E-8(2)) Department dated 11-01-2012 and quash the same in so far as relates to regularizing the service of the Petitioner in the cadre of Night Watchman from the date of issuance of the Government Order viz., 11-01-2012 and further direct the first Respondent to regularize the service of the Petitioner from the date of his initial appointment viz., 10-09-1992 with all consequential arrears of pay, fixation of pay, seniority etc., and pass such furtherh or other orders as this Honourable Court may deem fit.



For Appellant : Mr.G.Sridharan
For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.

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JUDGMENT

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

This Writ Appeal by the Writ Petitioner is directed against the order dated 07.02.2018, passed in W.P.(MD)No.9296 of 2012.

2. The said Writ Petition was filed by the appellant praying for issuance of Writ of Certiorarified Mandamus to quash G.O.Ms.No.19, Revenue (E-8(2)) Department, dated 11.01.2012, insofar as it relates to regularizing his services in the cadre of Night Watchman from the date of issuance of the Government Order and to direct the first respondent to regularize his service from the date of his initial appointment i.e., on 10.09.1992.

3. The learned Single Judge rightly took note of the fact that admittedly the appellant was appointed without following any recruitment process and taking into consideration the fact that he and others were working as Night Watchmen for several years on daily wage basis, the Government exercised compassion and by G.O.Ms.No.19, Revenue (E-8(2)) Department, dated 11.01.2012, regularised their services by granting age relaxation and creating supernumerary post. The appellant, having accepted the benefit by the said Government Order, cannot now turn around and challenge that portion of the said Government Order regularizing the services from the date of Government Order.

4. Hence, we find no reasons to interfere with the order passed by the learned Single Judge. Accordingly, this Writ Appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Principal Secretary and
Secretary to Government,
Government of Tamil Nadu,
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of Revenue Administration,
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3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Sub Collector,
Cheranmadevi,
Tirunelveli District.

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-18156[F] dated 30/04/2021)

+1 CC to M/s.SPL GP (SR-18274[F] dated 30/04/2021)

W.A. (MD) No.999 of 2018
29.04.2021

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