



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.8925 of 2016

1.D.Mahaboob Basha

2.P.Ayyavoo

.. Petitioners

Vs

1.The Secretary to Government,
Backward Class & Most Backward Class,
Welfare Department,

2.The Commissioner,
Backward Class & Most Backward Class,
Welfare Department,
Cheppakam, Chennai-5.

3.The District Backward Class,
Most Backward Class Welfare Officer,
Virudhunagar District,
Virudhunagar.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioners' representation dated 07.04.2016 and thereby to direct the respondents to regularise the service of the petitioners from the date on which they were appointed, ie., on 24.07.1973 and 10.10.1973 respectively and to grant all the consequential benefits including notional seniority and fixation of scale of pay to the pensionary benefits and to provide all monetary benefits and other benefits as per the order passed in W.P.No.27011/2006, dated 25.09.2008 within a time frame fixed by this Court.

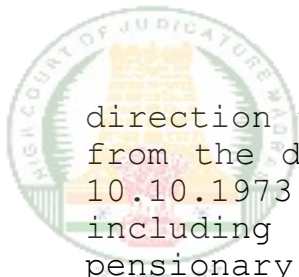
For Petitioners : Mr.V.Manikandan

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

The prayer sought for in the present writ petition is for a



direction to the respondents to regularise the petitioners' service from the date on which they were appointed, ie., on 24.07.1973 and 10.10.1973 respectively and to grant all the consequential benefits including notional seniority and fixation of scale of pay to the pensionary benefits and to provide all monetary benefits and other benefits as per the order passed in W.P.No.27011/2006, dated 25.09.2008 within a time frame.

2.The case of the petitioners is that both the petitioners were appointed as Watchman on 24.07.1973 and 10.10.1973 in Government Boys Hostel, Kariapatti and Thiruthangal respectively. After nearly 15 years, the Government have issued orders in G.O.Ms.No.605, Backward Classes Welfare, Nutritious Meal Programme and Social Welfare Department, dated 03.07.1989 regularising their services and such other persons mentioned in the Annexure from the date of issue of above said Government Order. It is the grievance of the petitioners that they were inducted to Government Service in the year 1973 and their services are not regularised from the date of initial appointment for which they filed Original Application before the Tamilnadu Administrative Tribunal in O.A.No.6274 of 1996. After the abolition of the said Tribunal, the said OA was transferred to this Court and renumbered as W.P.No.27011 of 2006. The said writ petition was allowed on 25.09.2008 and this Court held that the petitioners are entitled for regularisation from the date of their initial appointment. In the meanwhile, the first petitioner was retired from service in the year 2010 and the second petitioner was retired in the year 2002 and a proposal was forwarded to the second respondent to consider all the above grievances and their regularisation as per the above said order dated 25.09.2008. But till date no order was passed. Hence, this writ petition.

3.The learned Additional Government Pleader did not dispute the facts submitted by the learned counsel for the petitioners.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents and perused the materials placed before this Court.

5. The issue arises in the present writ petition is no more *res integra*. This Court, by its order, dated 25.09.2008, in W.P.No.27011 of 2006 granted the necessary relief to the petitioners. However, though a proposal was forwarded to the second respondent for complying the above said order, it appears that till date, no order was passed in this regard. Hence, this Court is inclined to issued a direction to the respondents to regularise the services of the petitioners within a reasonable time and accordingly, the respondents are directed to consider the case of the petitioners and regularise their services in terms of W.P.No.27011 of 2006 within a period of six(6) weeks from the date of receipt of a copy of this order. The respondents are further directed to pay all the monetary benefits and other benefits within



a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. This writ petition stands allowed accordingly. No Costs.

WEB COPY

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Backward Class & Most Backward Class,
Welfare Department, Secretariat, Chennai-9.

2.The Commissioner,
Backward Class & Most Backward Class,
Welfare Department,
Cheppakam, Chennai-5.

3.The District Backward Class,
Most Backward Class Welfare Officer,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-6966[F] dated 24/02/2021)

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-7415[F] dated 25/02/2021)

W.P. (MD) .No.8925 of 2016
23.02.2021

pk (CO)

KK (09.03.2021) 3P 6C