



WEB COPY



W.P.No. 4587 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

**W.P.No. 4587 of 2020**  
**and WMP.No. 5440 of 2020**

1. T.Madesh
- 2.M.Basavaraj
- 3.A.Chikkamma
- 4.M.Antoniymmal
- 5.M.Ellamma

..Petitioners

Vs

1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Animal Husbandry, Dairying & Fisheries Department,  
Fort St.George, Chennai-600009.

2.The Commissioner of Animal Husbandry,  
DMS Compound,  
Chennai -600006.

3.The Assistant Director of Animal Husbandry,  
Hosur, Krishnagiri District.

..Respondents

**Prayer:** writ petition is filed under Article 226 of Constitution of India for Writ of Mandamus, directing the respondents 1 to 3 to consider and pass appropriate orders on the representation dated 12.12.2019, seeking extension of legitimate annual increments from the date of initial appointment and for appropriate revised fixation thereto as had been granted and extended to other similarly situated persons vide



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G.O.3(D) No. 15, dated 05.12.2019 and G.O (3D) No. 01, Animal Husbandry, Dairying & Fisheries (Tha pa 6) Department dated 13.01.2020 on merits and within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.T.Arunkumar, AGP

### **ORDER**

The prayer sought for in the writ petition is to direct the respondents 1 to 3 to consider and pass appropriate orders on the representation dated 12.12.2019, seeking extension of annual increments from the date of initial appointment and for appropriate revised fixation extended to other similarly situated persons vide G.O.3(D) No. 15, dated 05.12.2019 and G.O (3D) No. 01, Animal Husbandry, Dairying & Fisheries (Tha pa 6) Department dated 13.01.2020.

2. The learned counsel for the petitioners has submitted that the petitioners were initially appointed as casual labourer and based on the policy decision of the Government, their services were regularised vide orders of the Government in G.O.Ms.No., 117, dated 28.08.2008. The learned counsel for the petitioner has further submitted that around 30 persons who were denied the benefit of regularisation in G.O.Ms.No.



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116, dated 07.05.1997 have filed a writ petition before this Court in W.P.No. 10974 of 2009 seeking regularisation of their services and annual increments which has been been denied by the respondents for more than ten years. This Court by order dated 14.02.2018 set aside the G.O.Ms. No. 117, dated 28.08.2008 and directed the respondents to regularise the services of the petitioners therein with effect from the date of original appointment i.e 2000-2001 with all monetary benefits like grant of annual increment except the arrears of pay etc., The said order was challenged by the respondents in W.A.No. 2126 of 2019, the Hon'ble Division Bench of this Court by order dated 19.08.2019 has dismissed the writ appeal filed by the respondents and confirmed the aforesaid order passed by this Court in the writ petition. Challenging the dismissal order in the writ appeal, the respondent have filed a SLP before the Hon'ble Supreme Court and the Hon'ble Supreme Court has confirmed the judgment passed by the Hon'ble Division Bench in the writ appeal. Therefore, the petitioners herein who are similarly placed also entitled to the benefit of regularisation of service from the date of original appointment and consequential annual increment as granted by this Court in the aforesaid writ petition. Seeking aforesaid relief, the petitioners have made representation dated 12.12.2009 to the respondents to consider and pass appropriate orders in the light of the



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aforesaid decision of this Court. The said representation is still pending without any consideration, hence the present writ petition.

3. Counter affidavit has been filed by the respondents. The learned Additional Government Pleader in support of the averments made in the counter affidavit has contended that the petitioners cannot seek benefits as granted by this Court in W.P.No. 10974 of 2009 dated 14.02.2018 and they are not entitled for the relief as prayed for in the writ petition. However, the learned Additional Government Pleader has submitted that the respondents cannot dispute the aforesaid order passed by this Court and if any representation is pending before the respondents, the same will be considered and appropriate orders will be passed within a time frame as fixed by this Court.

4. Heard both sides and perused the materials available on record.

5. On a perusal of the counter affidavit filed by the respondents, no satisfactory reason has been stated by the respondents for denying the benefits of regularisation of service from the date of original appointment and consequential annual increment as sought for the by the petitioners in the light of the aforesaid decision of this Court.



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6. Considering the facts and circumstances of the case and in view of the absence of satisfactory reasons by the respondents in the counter affidavit for denial of benefits as sought for by the petitioners, this Court is inclined to direct the respondents to consider the representation dated 12.12.2009 and pass appropriate orders by taking note of the aforesaid decisions cited by the writ petitioner, as expeditiously as possible, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**05.07.2022**

Index: Yes / No  
Internet: Yes  
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To

1.The Secretary to Government  
Animal Husbandry, Dairying & Fisheries Department,  
Fort St.George,  
Chennai-600009.

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**D.KRISHNAKUMAR, J.**

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2.The Commissioner of Animal Husbandry,  
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