



W.P.No.39380 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.39380 of 2016

K.Tamilmani

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

2.The Director of School Education,
College Road, D.P.I. Compound,
Chennai 600 006.

3.The Chief Educational Officer,
Villupuram,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to order in Pro.Na.Ka.No.13998/A3/2014 dated 05.11.2014 to quash the same and to issue consequential directions to the respondents to regularise service of the petitioner from the date of initial appointment.



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For Petitioner : Mr.J.Muthu Kumaran
For Mr.V.Thirupathi

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

The order of rejection, rejecting the claim of the writ petitioner for retrospective regularisation from the date of his initial appointment on 21.02.1981 is under challenge in the present writ petition.

2. The petitioner was appointed on compassionate grounds due to the demise of his father on 11.08.1980. The petitioner was appointed as Record Clerk on 21.02.1981 and he joined on 26.02.1981. The services of the writ petitioner was regularised with effect from 03.05.1989 pursuant to the order passed by the Government in G.O.Ms.No.467, Education (R3) Department dated 03.05.1989, granting relaxation of relevant rules for the purpose of appointing the writ petitioner as a regular member of the service. The petitioner was awarded selection grade with effect from 26.06.1999 and special grade on 27.11.1999. The petitioner thereafter retired from service on 31.01.2015.



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3. The present writ petition was filed after a lapse of one year from the date of retirement and the petitioner seeks relief for retrospective regularisation from the date of his initial appointment on 21.02.1981. Though the impugned rejection order passed in the year 2014 pursuant to the representation submitted by the writ petitioner and based on the direction issued by the High Court to consider the representation in W.P.No.23643 of 2014 dated 02.09.2014, the cause of action aroused from the date of appointment of the writ petitioner on 21.02.1981.

4. In the present case, the petitioner attempted to restore the lapsed cause of action by merely sending a representation and by filing a writ petition before the High Court for a direction to consider his representation. This Court directed the authorities to consider the representation. Pursuant to the said direction, the impugned order was passed on 05.11.2014. However, the fact remains that the relief sought for by the writ petitioner is to regularise the services retrospectively with effect from his initial date of appointment on 21.02.1981. Thus, the belated claim set out by the petitioner is also to be looked into.



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6. In the present case, the petitioner filed the writ petition after attaining the age of superannuation. The relief sought for is to grant retrospective regularisation of his services from the date of his initial appointment from the year 1981. His services actually regularised in the year 1989. He has not challenged the Government order granting regularisation of his services from the year 1989 so long as the said order of regularisation has not been challenged, now the retrospective regularisation from the year 1981 cannot be considered, more so the order of regularisation issued in the year 1989 became final and thus, the petitioner is not entitled for the relief as such sought for in the present writ petition.

7. Accordingly, the Writ Petition stands dismissed. No costs.

03.11.2022

Jeni

Index : Yes

Speaking order



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To

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S.M.SUBRAMANIAM, J.

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