



W.P.No.4432 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.4432 of 2014

A.V.Rajagopalan

..Petitioner

VS

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

2. The Chairman,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 0033.

3. The Deputy Secretary (Admn.)
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India to issue
a Writ of Certiorarified Mandamus to call for the records on the file of the
3rd respondent in Pro. No.A.Mu.Sa.Ku.No.Pa.Tho.Nu.5/13714/ 2013 dated



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30.07.2013 and quash the same and consequently direct the respondents to re-designate the petitioner's post from Pump Operator to Work Assistant from 1979 onwards based on G.O.Ms.No.291, Housing and urban development department dated 13.07.2000 and pay other monetary and service benefits..

For Petitioner : Mr.K.Sannjay
For Respondents : Mr.D.Gopal
Government Advocate for R1
Mr.D.Veerasekaran,
Standing Counsel for TNHB for R2 & R3

ORDER

This writ petition has been filed challenging the order dated 30.07.2013 passed by the 3rd respondent, rejecting the claim of the petitioner and consequently, direct the respondents to re-designate the petitioner's post from Pump Operator to Work Assistant from 1979 onwards based on G.O.Ms.No.291, Housing and Urban Development Department, dated 13.07.2000 and pay other monetary and service benefits.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd and 3rd respondents.



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3. The petitioner was initially engaged as daily wage employee with effect from 15.11.1973 and he was brought into regular time scale of pay with effect from 15.05.1979 in the post of watchman. Subsequently, he was re-designated as Pump operator from 08.01.1980. He retired from the Board's service on 31.01.1999. He passed SSLC exam in March 1981 and requested to re-designate him as Work Assistant based on the Board's Resolution No.7.04 dated 26.05.1999 but the same was rejected as he retired from service prior to the passing of the Government Order to that effect.

4. In the counter affidavit filed by the Housing Board, it has been specifically stated that the proposal for re-designation of the employees who qualified as SSLC were prepared after the retirement of the petitioner, and it was recommended to Government for approval after the resolution was passed on 26.05.1999 in Resolution No.7.04 and the Government has accepted the proposal of the Board and passed the order in G.O.(Ms)No.291 dated 13.07.2000 to re-designate the employees as on the date of order passed by the Government. Since the petitioner retired from service on 31.01.1999, the request of the petitioner was rejected.



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5. Considering the above facts and the counter affidavit filed by the respondents, this Court is of the opinion that since the petitioner retired from service on 31.01.1999, prior to the passing of the Government order, he is not entitled for re-designation as Work Assistant. If the same is allowed, it will open the flood gate to the similarly placed persons like that of the petitioner which would adversely affect the financial exchequer of the State. Therefore, this Court finds no merit to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

28.11.2022
(2/2)

Index:Yes/No
Speaking/Non-speaking order
vsi

To

1. The State of Tamil Nadu,
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Chennai - 600 009.
2. The Chairman,
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3. The Deputy Secretary (Admn.)
Tamil Nadu Housing Board,
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J.NISHA BANU,J.

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