



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.6968 OF 2014

A.Sambasivam

... Petitioner

Vs.

1. The Government of Tamil Nadu  
rep.by the Secretary to the Government  
Transport Department,  
Fort St.George, Chennai - 600 005.

2. The Director  
Motor Vehicles Maintenance Department  
Chennai - 600 042.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent in Na.Ka.No.A4/6715/2013 dated 04.12.2013 and quash the same and direct the respondents to grant monetary benefits to the petitioner for the period 23.04.1992 to 20.2.2008 consequent on the regularization of his services in the post of Chargeman with effect from 23.04.1992 by G.O.Ms.No.32 Transport (H1) Department dated 21.02.2008.

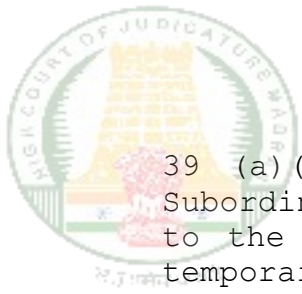
For Petitioner : Mr.P.Rajendran

For Respondents : Mrs.S.Anitha  
Special Government Pleader

O R D E R

The order dated 04.12.2013 rejecting the claim of the writ petitioner for retrospective monetary benefit consequent to the retrospective regularization is under challenge in the present writ petition.

2.The petitioner states that he is working as Chargeman at the Government Automobile Workshop, Kancheepuram. He was promoted on 23.04.1992 and the promotion was ordered under Rule-



39 (a)(1) of the General Rules for the Tamil Nadu State and Subordinate Services. Thus, the promotion was made temporarily to the post of Chargeman. Though the petitioner was promoted temporarily on 23.04.1992, he was continuously working in the said post for about 16 years and there was a long delay in regularising the service of the petitioner in the post of Chargeman with effect from the date of temporary promotion i.e. on 23.04.2002. The appeal in this regard filed by the petitioner was considered by the Government. The Government passed an order granting retrospective regularization for the post of Chargeman with effect from the date of temporary promotion i.e. on 23.04.1992. Thus, the benefit of retrospective regularization was already granted to the writ petitioner from the date of temporary promotion. This being the factum, the claim of the petitioner for monetary benefits from the date of temporary promotion alone was restricted.

3.This Court is of the considered opinion that the retrospective regularization granted with effect from the date of temporary promotion itself is a concession granted to the writ petitioner. The temporary promotion itself would not confer any right to the employee. The temporary promotions are granted considering certain administrative exigencies, therefore, the date of temporary promotion cannot be a ground for retrospective regularization. In such circumstances, the Government has considered the case of the writ petitioner and taken note of the fact that the writ petitioner continued as a temporarily promoted employee for several years and accordingly, granted retrospective regularization from the date of temporary promotion. This being the factum, the retrospective monetary benefit by the Government cannot said to be perverse. Such retrospective monetary benefit would cause unnecessary financial loss to the State exchequer. The petitioner was receiving salary as applicable to the post of Chargeman throughout his service and thus, this Court is not inclined to grant retrospective monetary benefit. However, the regularization of service are to be taken into account for the purpose of seniority, further promotion and pensionary benefits.

4.With these clarifications, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

sms/sli



To

1. The Government of Tamil Nadu  
rep.by the Secretary to the Government  
Transport Department,  
Fort St.George, Chennai - 600 005.

2. The Director  
Motor Vehicles Maintenance Department  
Chennai - 600 042.

+1cc to M/s.P.Rajendran, Advocate, S.R.No.33385

+1cc to the Government Pleader, S.R.No.34491

W.P.No.6968 of 2014

SMI (CO)  
RLP(16/06/2022)