

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16222 of 2014

T.GANESAN

...Petitioner

Vs.

1.SECRETARY TO GOVERNMENT,
ENVIRONMENT AND FOREST DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009.

2.THE MEMBER SECRETARY,
T.N.POLLUTION CONTROL BOARD,
GUINDY, CHENNAI - 600 009.

...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 calling for the records of the respondents, especially the 2nd respondent relating to his proceedings made in Memo No.TNPCB/Per/P7/07589/13, dated 18.12.2013 and quash the same as null and void, illegal and invalid and bereft of reasons and consequently directing the respondents to regularize the service of the petitioner with effect from 27.01.1992 with all service and monetary benefits on par with similarly placed Field Assistants/Junior besides directing the respondents to disburse to the petitioner the difference in the arrears of pay from January 1992 to April 2001 with interest for the delayed disbursement of monetary benefits on par with others placed on the same footing.

For Petitioner : Ms.S.Swetha
for Mr.A.Amalraj

For Respondent : Mrs.S.Anitha
No.1 Special Government Pleader

For Respondent : Mrs.Vijayakumari Natarajan
No.2

O R D E R

The order of rejection rejecting the claim of the writ petitioner to fix the seniority taking into account the period of daily wage employment is under challenge in the present writ petition.

2.The learned counsel for the petitioner made a submission that the petitioner was initially appointed as daily wage employee (NMR) during the year 1992 and subsequently, pursuant to the Government Order, the services of the writ petitioner was regularized in the sanctioned post of field assistant with effect from 11.04.2001. However, the benefit of regularization was granted retrospectively with effect from 28.10.1999.

3.This Court is of the considered opinion that the seniority is to be fixed based on the date of regularization given to the writ petitioner with effect from 28.10.1999 that was already given. It is not in dispute that the benefit of seniority has already been extended to the writ petitioner taking into consideration the date of regularization i.e. 28.10.1999. However, the claim of the petitioner is to fix seniority taking into consideration, the date of his initial engagement as NMR. Such a claim cannot be considered as the petitioner was brought under the regular establishment in the sanction post only with effect from 28.10.1999 and as per the rules, the date of regularization should be taken into consideration for fixing the seniority. Thus, the claim set out in the writ petition is not in consonance with the service rules in force and in the present case, the seniority of the writ petitioner has been fixed as per rules with effect from the date on which he was regularly appointed in the post of field assistant from 28.10.1999. Thus, the petitioner has not established any right for the purpose of considering the relief as such sought for in the writ petition.

4.Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1.SECRETARY TO GOVERNMENT,
ENVIRONMENT AND FOREST DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 009.

2.THE MEMBER SECRETARY,
T.N.POLLUTION CONTROL BOARD,
GUINDY, CHENNAI - 600 009.

+1cc to Mr.S.Natarajan, Advocate SR. No. 35778

+1cc to Mr.A.Amalraj, Advocate SR. No. 36016

+1cc to Government Pleader SR. No. 36917

W.P.No.16222 of 2014

SKM (CO)
PR (11/07/2022)