



WEB COPY



WP No.19214 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.19214 of 2018

Thavasimuthu

..

Petitioner

VS.

1. Government of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Secretariat,
Chennai.

2. The Transport Commissioner,
Chepauk,
Chennai – 600 005.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to regularise the temporary services of the petitioner as Field Survey in the Survey and Land Records Department w.e.f. 25.06.1984 to 22.03.1993



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(dated 25.06.1984 is as per Government Orders in G.O.Ms.No.996, P&AR Department, dated 22.09.1984 for permitting regularisation of services of temporary employees) and count the said period along with the regular service of the petitioner in the Transport Department from 23.03.1993 to 31.03.2016 and to consequently revise his retirement and pensionary benefits and grant all consequential arrears with interest.

For Petitioner	: Mr.I.Kabilan for Mr.M.Ravi
For Respondents	: Mr.R.P.Murugan Raja, Government Advocate.

ORDER

The relief sought for in the present writ petition is to direct the the respondents to regularise the temporary services of the petitioner as Field Survey in the Survey and Land Records Department w.e.f. 25.06.1984 to 22.03.1993 (dated 25.06.1984 is as per Government Orders in G.O.Ms.No.996, P&AR Department, dated 22.09.1984 for permitting regularisation of services of temporary employees) and count the said period along with the regular service of the petitioner in the Transport Department from 23.03.1993 to 31.03.2016 and to consequently revise his retirement and pensionary benefits and grant all consequential arrears with interest.



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2. The petitioner was initially appointed as Field Surveyor cum Draughtsman on 05.05.1983 in the Department of Survey and Land Records. He was initially appointed on consolidated pay salary through the District Employment Exchange. The petitioner served from 05.05.1983 to 22.03.1993. Subsequently he was absorbed as Junior Assistant in the Transport Department with effect from 23.03.1993 in the regular time scale of pay and thereafter the petitioner was promoted as Assistant in the Transport Department on 10.12.2010 and as Superintendent from 15.12.2013. The petitioner retired from service on 31.03.2016 as Superintendent on attaining the age of superannuation.

3. The grievance of the writ petitioner is that he was temporarily appointed with consolidated pay salary and the services rendered by him as Surveyor cum Draughtsman w.e.f. 05.05.1983 to 22.03.1993 and his services were not regularised and therefore, he made a representation, which was not considered. Thus, the petitioner is constrained to move the present writ petition.



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4. The petitioner was also regularly absorbed in the post of Junior Assistant in the Transport Department. Therefore, the question of regularising his services in the post of Surveyor cum Draughtsman held by him as consolidated pay salary employee would not arise at all. In other words, the petitioner was not regularised in the same post and more-so, he was absorbed in the Transport Department as Junior Assistant and at this length of time, the claim of the writ petitioner for regularisation cannot be considered.

5. However, the temporary services rendered by the writ petitioner as Surveyor cum Draughtsman in the Land Surveyor and Land Record Department may be taken into consideration for the purpose of counting of 50% services under Rule 11(4) of the Tamil Nadu Pension Rules for grant of pensionary benefits. The said benefits are to be considered subject to the eligibility of the writ petitioner as per Rule 11(4) of the Tamil Nadu Pension Rules. Thus liberty is granted to the writ petitioner for submitting a representation for counting of 50% of the services for the



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purpose of grant of pensionary benefits and in the event of any such representation, if any filed, then the Authorities Competent shall consider the same on merits and in accordance with law as expeditiously as possible, without causing any undue delay.

6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

11-11-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai.

2.The Transport Commissioner,
Chepauk,

5/7



Chennai – 600 005.

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