



W.P.No.25810 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.09.2022**

**CORAM :**

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

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1. V.Balasundaram
2. R.Annadurai
3. S.Ranganathan
4. A.Annadurai
5. P.Vishwanthan
6. P.Dhamotharan
7. R.Jayaseelan
8. M.Raj
9. V.Purusothaman
10. M.Muthammal
11. E.Athiappan
12. K.Ganeshan
13. P.Murugan
14. R.Sankar
15. C.Kuppamal
16. T.Madhaiyan
17. P.Raju
18. S.N.Velliangiri
19. P.Venkatappan
20. K.Kumaran

.. Petitioners

Vs.

1. The State of Tamil Nadu  
Rep by the Secretary to Government  
Finance Department  
Fort St.George, Chennai - 9.
2. The Commissioner of Treasuries



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and Accounts Department  
Panagal Maligai, Saidapet  
Chennai - 15.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for a writ of Mandamus to direct the respondents to consider the petitioner's representation dated 22.02.2022 to regularize the petitioner's service on his completion of 10 years of service from the date of initial appointment on 22.11.1978 and consequently direct the respondents to pay pension and monetary benefits with all consequential benefits and arrears.

For Petitioners : Mrs.S.Esairani Narasimman  
For Respondents : Mr.V.Ravi  
Special Government Pleader

### ORDER

The prayer sought for herein is for a writ of Mandamus to direct the respondents to consider the petitioners' representation dated 22.02.2022, to regularize the petitioners' service on their completion of 10 years of service from the date of initial appointment on 22.11.1978 and consequently direct the respondents to pay pension and monetary benefits with all consequential benefits and arrears.

2. These petitioners had been working for very many years in the respondent department on temporary basis. After several years of service



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put in by these petitioners, they made a request to the Government to regularize their services.

3. Considering the plea raised by the petitioners, the Government had come forward to issue a Government Order G.O.(2D) No.32 Finance (ka.a.2) Department dated 26.03.2010, under which, the services of these petitioners have been regularized, but only from the date of issuance of the Government Order i.e., 26.03.2010

4. Because of such regularization given from the date of issuance of the Government Order dated 26.03.2010, these petitioners could not get their retirement benefits as well as the pensionary benefits, as they could not complete the required service for getting the minimum pension. Therefore, in order to get their service regularization retrospectively from the date of initial appointment, which they claim from the year 1978 or subsequently, the petitioners had joined together and filed a detailed representation on 22.02.2022 and the said representation, since has not been considered by the respondents, they joined together and filed this writ petition seeking for a writ of mandamus as prayed herein.

5. Heard Mrs.S.Esairani Narasimman, learned counsel appearing



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for the petitioners, who having reiterated the aforesaid would seek indulgence of this Court to issue a direction by way of Mandamus.

6. Heard Mr.V.Ravi, learned Special Government Pleader appearing for the respondents, who would submit that already the petitioners' plea has been considered and they have been regularized with effect from 2009, now they have come forward after ten or twelve years before this Court to seek for retrospective regularization from the date of initial appointment and in this regard, whether they are entitled to seek for such relief or not, can be decided by the respondents and in that process, the representation submitted by the petitioners on 22.02.2022 would be considered and decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. Having considered the said submissions made by the learned counsel appearing for both sides and taking into account the innocuous nature of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following order:

- ◆ That there shall be a direction to the respondents, especially the first respondent to consider the request of the petitioners by way of



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representation dated 22.02.2022 and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With these directions, this writ petition is disposed of. No costs.

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Index : Yes/No  
drm/mp

To

1. The Secretary to Government  
The State of Tamil Nadu  
Finance Department  
Fort St.George, Chennai - 9.
2. The Commissioner of Treasuries  
and Accounts Department  
Panagal Maligai, Saidapet  
Chennai - 15.



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**R.SURESH KUMAR,J.**

(drm/mp)

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