



WP(MD)No.16643 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16643 of 2020

R.Sambath

... Petitioner

/vs./

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Department of Agriculture,
Secretariat, Chennai – 600 009.

2.The Director of Agriculture,
Chepauk, Chennai – 600 005.

3.The Joint Director of Agriculture,
Kattuthottam, Thanjavur – 613 501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in connection with the order passed by the 3rd respondent in Letter No.A4/12220/2015, dated 21.01.2010 and quash the same and consequently directing the respondents to regularize the service of the petitioner in the post of Night Watchman in the department of agriculture with effect from the date of completion of 10 years of



WP(MD)No.16643 of 2020

service with all monetary and service benefits within a time stipulated by this Court.

For Petitioner : Mr.D.Selvanayaram

For Respondents : Mr.M.Siddharthan, AGP

ORDER

The petitioner herein is a daily wage Night Watchman, who sought for regularisation of service with effect from the date of completion of 10 years of his service. When his request was not considered in time, he had filed a Writ Petition before this Court in W.P.(MD)No.18491 of 2015 and by order dated 18.11.2019, this Court had directed all the respondents therein, including the Government to consider the petitioner's claim in his representation, in the light of G.O.Ms.No.56, Agriculture Department, dated 28.03.2018 and pass appropriate orders on merits. The Joint Director of Agriculture has now passed the order, rejecting the petitioner's request for regularisation.

2. The issue as to whether the services of the petitioner can be regularised or not is required to be taken by the Government and the Joint Director may not



WP(MD)No.16643 of 2020

be an appropriate and proper party to take a decision on the same. As such, the petitioner's request for regularisation to be re-considered by the Government.

3. On this short ground alone and without going into the merits of the petitioner's claim for regularisation, the impugned order is set aside and the matter is remanded back to the first respondent herein for reconsideration. The first respondent shall consider the petitioner's request, in the light of the order passed by this Court in W.P.No.18491 of 2015 dated 18.11.2019.

4. This Writ Petition stands disposed of accordingly. No costs.

03.08.2022

Index : Yes / No
Internet : Yes / No

vsm



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WP(MD)No.16643 of 2020

M.S.RAMESH, J.

vsm

To

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Department of Agriculture,
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- 2.The Director of Agriculture,
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Order made in
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