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W.P.(MD)Nos.18548 and 21544 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.18548 and 21544 of 2016
and
W.M.P.(MD)Nos.13431, 15408 to 15410 of 2016
and 12104 of 2017

W.P.(MD)No.18548 of 2016:

S.Nagammal

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by the Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
College Road, Chennai- 6.

3.The Chief Educational Officer,
Trichy District, Trichy.

... 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 on the file of



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the 1st respondent in his Letter No.167/Ni.Va 3(2)/2016/5, dated 09.08.2016 and to quash the same and consequently, to direct the 1st respondent to regularize the service of the petitioner with all monetary and service benefits.

For Petitioner	: Mr.D.Selvanayagam
For Respondents	: M/s.J.John Rajadurai
	Government Advocate (Civil side)

W.P.(MD)No.21544 of 2016:

M.Selvaraj

... Petitioner

vs.

- 1.The State of Tamil Nadu,
represented by the Agricultural Production
Commissioner and Secretary to Government,
Agriculture (AM2) Department,
Secretariat, Chennai-9.
- 2.The Director of Agriculture,
Chepauk, Chennai-05.
- 3.The Commissioner of Agriculture
Marketing and Agri Business,
Chennai-32.
- 4.The Joint Director of Agriculture,
Manapuram, Trichy District.
- 5.The Chief Executive Officer,
Tamil Nadu State Agricultural Marketing Board,
Chennai-32.

... Respondents



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W.P.(MD)Nos.18548 and 21544 of 2016

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in his Proceeding Letter No.24918/ No.1/2013-25, dated 28.10.2016, to quash the same and consequently, to direct the 1st respondent to accommodate the petitioner in the post of Watchman or Night Watchman in the Department under the control of the respondents 1 and 2 with effect from the date of completion of 10 years of service with all monetary and service benefits as that in the case of similarly situated candidates of the same department by way of G.O. (2D) No.85, Agriculture Department, dated 15.06.2013.

For Petitioner	: Mr.D.Selvanayagam
For Respondents	: M/s.D.Farjana Ghoushia Special Government Pleader

COMMON ORDER

The writ petition in W.P.(MD)No.21544 of 2016 is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order, dated 28.10.2016, passed by the 1st respondent and consequently, to direct the 1st respondent to accommodate the petitioner in the post of Watchman or Night Watchman in the Department with effect from the date of completion of 10 years of service with all monetary and service benefits as that in the case of similarly situated candidates



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of the same department by way of G.O.(2D)No.85 Agriculture Department, dated 15.06.2013.

2.The brief facts of W.P.(MD)No.21544 of 2016 are that the petitioner was working as full time causal employee in the respondent department from 01.04.2008. Even though the petitioner had completed 10 years of service, the respondent had not regularized the petitioner's service. The petitioner had already filed writ petition in W.P.(MD) No.11395 of 2009 praying to regularize the service and this Court, vide order dated 07.02.2014, had directed to consider and pass orders. Since the respondents had not passed any orders, the petitioner filed contempt petition in Cont.P.(MD)No.135 of 2015 and the same is pending.

3.The contention of the petitioner is that the respondents have regularized some persons by issuing G.O.(2D)No.85 Agriculture Department dated 15.06.2013. This G.O. was passed based on the direction of this Court in W.P.Nos.23147 and 23148 of 2004, which was allowed on 26.02.2010. The

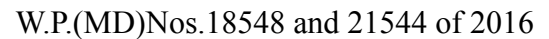


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department had preferred writ appeal in W.A.No.2105 and 2617 of 2010 and the same was dismissed on 08.06.2011. Thereafter, the department preferred SLP No. 9110 of 2013 and the same was dismissed on 29.04.2013. Thereafter, the said G.O.(2D)No.85 was passed. Since the respondents have complied with the order and regularized one N.Chinnappa and six others, the petitioner being similarly placed person, the respondent are bound to regularize the petitioner. The petitioner also relied on the judgment rendered by the Learned Single Judge in W.P.Nos.14199, 26778 and 27296 of 2017 vide order dated 12.01.2022 and prayed to allow the writ petition.

4.The petitioner is a causal employee is working under the 5th respondent Tamil Nadu State Agricultural Marketing Board. The petitioner is relying on G.O. (2D)No.85, Agriculture Department, dated 15.06.2013 and claiming regularization. In the impugned order, the respondents have not referred the said G.O. at all.





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To

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Commissioner and Secretary to Government,
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- 2.The Director of Agriculture,
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- 3.The Commissioner of Agriculture
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- 4.The Joint Director of Agriculture,
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- 5.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
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- 6.The Director of School Education,
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- 7.The Chief Educational Officer,
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- 8.The Chief Executive Officer,
Tamil Nadu State Agricultural Marketing Board,
Chennai-32.



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S.SRIMATHY, J

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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