



W.P.(MD)No.18679 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18679 of 2016

and

W.M.P.(MD)Nos.13506 and 13507 of 2016

V.Ashokan (Died)

A.Anuratha

... Petitioner

***(Petitioner substituted, vide Court order,
dated 08.12.2022, in W.M.P.(MD)No.
19670 of 2016)***

VS.

- 1.The State of Tamilnadu,
represented by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Usilampatti Division,
Madurai District.



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4.The Tahsildar,
Periyar Taluk,
Madurai District.

... 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 pertaining to the impugned orders issued by first respondent in his proceedings in G.O.Ms.No. 184, Revenue (Service-8(1)) Department, dated 01.07.2016 and the proceedings of the 2nd respondent made in SR.No.2/2008/PA 4, dated 21.06.2010 and to quash the same and consequently, to direct the respondents to regularize the service of the petitioner from the date of initial appointment with all attendant and monetary benefits.

For Petitioner : Mr.S.Ramsundar Vijayraj
for M/s.Veera Associates

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed for issuance of a Certiorarified Mandamus, to quash the impugned orders issued by first respondent in his proceedings in G.O.Ms.No.184, Revenue (Service-8(1)) Department, dated 01.07.2016 and the



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proceedings of the 2nd respondent made in SR.No.2/2008/PA 4, dated 21.06.2010 and consequently, to direct the respondents to regularize the service of the petitioner from the date of initial appointment with all attendant and monetary benefits.

2. The brief facts of the case are that the petitioner was initially appointed as a Masalchi 16.06.1980 in the Taluk Office, Usilampatti Taluk on temporary basis. Thereafter, he was appointed as temporary Copyist in the Office of the Tahsildar, Usilampatti Taluk in the year 1983. After completion of three years, the petitioner submitted representation to the 2nd respondent to regularize his service. In turn, the second respondent passed an order of rejecting the petitioner's regularization on 12.02.1997, which was put to challenge in O.A.No.954 of 1998, which was converted into W.P. No. 32144 of 2005 and the same was ordered 30.01.2006, directing the respondents to absorb the petitioner as Copyist on regular basis on 30.01.2006 or in any other vacancy as on the date or in any immediate vacancy that will arise in future. Aggrieved over the same, the



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respondents preferred a writ appeal and the writ appeal was dismissed. Subsequently, the petitioner was dismissed from service, vide order, dated 01.06.2003. The termination order was put to challenge in W.P.No.28305 of 2005 and this Court, vide order, dated 24.03.2006, directed the respondents to reinstate the petitioner, since the dismissal from service was passed without giving adequate opportunity to the petitioner. That was also put to challenge in writ appeal and the same was dismissed. Subsequently, vide proceedings, dated 07.11.2014, the Revenue Department has passed an order to implement the orders passed by the Madras High Court and posted the petitioner as Office Assistant in the Collector Office, Madurai District. The Government issued G.O.Ms.No.184, Revenue (Service-8(1)) Department, dated 01.07.2016, whereby, the roaster, age and other qualifications were all relaxed. Pending writ petition, the petitioner died and the wife had filed the substitution petition and the same was allowed, vide order, dated 08.12.2022.



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3. This Court in several rounds of litigation has passed an order to regularize the deceased employee's service as early as 2006 itself. There was prolonged litigation by the writ petitioner as well as the legal heirs of the writ petitioner.

4. Therefore, this Court is passing the following orders:

- i. The writ petitioner is entitled to regularization from the date of the order dated 30.01.2006, wherein the W.P. No. 32144 of 2005 was ordered.
- ii. The petitioner is not entitled to old pension scheme. However, the service from 30.01.2006 until his retirement shall be counted for his terminal benefits.
- iii. The above said exercise shall be implemented within a period of 12 weeks from the date of receipt of a copy of this order.



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5. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes

15.12.2022

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To

- 1.The Secretary to Government,
State of Tamilnadu,
Revenue Department,
Fort St.George, Chennai.
- 2.The District Collector,
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S.SRIMATHY, J

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