



W.P.No.6289 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.6289 of 2020

R.Krishnappa

/vs/

Petitioner

1. The Secretary to the Government,
Animal Husbandry, Dairying & Fisheries Department,
Fort St. George, Chennai – 9.

2. The Commissioner and Director
Animal Husbandry and Veterinary Services
Veterinary Hospital and Complex Building,
Chennai – 600 035.

3. The Regional Joint Director,
Animal Husbandry Department,
Krishnagiri and District.

4. The Deputy Director,
District Live Stock Farm,
Hosur, Krishnagiri.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the first respondent to consider the petitioner's representation dated 02.02.2019 in the light of G.O.Ms.No.49



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dated 20.02.2013, G.O.Ms.No.185 dated 22.09.2016, G.O.Ms.No.144 dated 26.09.2016, G.O.Ms.No.251 dated 21.12.2017, G.O.Ms.No.38 dated 05.03.2018, G.O.Ms.No.58 dated 20.03.2018 and G.O.Ms.No.91 dated 15.07.2019, G.O.Ms.No.157, dated 04.11.2019 and G.O.Ms.No.14 dated 27.11.2019.

For Petitioner ... Mr.S.Gunasekaran
For Respondents ... Mr.G.Nanmaran
Special Govt. Pleader

ORDER

This Writ Petition has been filed seeking direction to the first respondent to consider the petitioner's representation dated 02.02.2019.

2. Mr.S.Gunasekaran, the learned counsel for the petitioner, submitted that the petitioner has been appointed as Daily Wager in the year 1985 and his services have been regularized on 13.09.2000 in pursuant to the Government Order in G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries (AH7) Department, dated 28.08.2008; the petitioner is entitled to get his services to be regularized from the date of appointment and not from the date on which G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries (AH7) Department, dated 28.08.2008 has been issued; though the petitioner got retired from the services on 31.03.2019,



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his retirement benefits have been settled only from the date of issuance of

G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries (AH7)

Department i.e. from 28.08.2008; the petitioner's regularization will relate back to the date of his appointment and hence his terminal benefits should also commensurate from the date of his appointment; hence the petitioner has given a representation to the first respondent but it has not been considered so far; aggrieved over the same, the present Writ Petition has been filed.

3. Mr.G.Nanmaran, the learned Special Government Pleader submitted that the petitioner is entitled to get the service benefits only from 28.08.2008 on which date the G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries (AH7) Department, has been issued and hence the request of the petitioner cannot be considered.

4. In this regard several writ petitions have been filed by claiming equality with similarly placed persons whose services have been regularized from the date of their appointment and not from the date of



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issuance of Government Order and those writ petitions have been allowed by stating that there should not be any discrimination between the similarly placed persons. Hence the persons covered under G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries (AH7) Department, dated 28.08.2008 will also get their regularization with effect from the date of their appointment and not from the date of issuance of G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries (AH7) Department i.e. from 28.08.2008.

5. Since various orders have been passed by the Courts in W.P by accepting that the date of regularization is from the date of appointment, the first respondent shall consider the representation of the petitioner dated 02.02.2019 favourably and pass orders, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed. No costs.

01.12.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



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