



WEB COPY



W.P.No.21664 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21664 of 2012

V.Annamalai

....

Petitioner

Vs

1. The Tamil Nadu Pollution Control Board,
Represented by its Chairman,
Anna Salai, Guindy,
Chennai – 600 032.

2. The Tamil Nadu Pollution Control Board,
Represented by its Member-Secretary,
Anna Salai, Guindy,
Chennai – 600 032.

....

Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to regularise the services of the petitioner herein with effect from the date of his initial appointment i.e. with effect from 04.12.1996 with all consequential service and monetary benefits.

For Petitioner : Mr.M.Balakrishnan
for Mr.M.Ravi

For Respondents : Mrs.Vijayakumari Natarajan
Standing Counsel



W.P.No.21664 of 2012

WEB COPY

ORDER

This Writ Petition has been filed for direction directing the respondents to regularise the service of the petitioner with effect from the date of his initial appointment, i.e., 04.12.1996.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3. The petitioner had participated in the selection process for appointment to the post of Assistant on consolidated pay basis. Accordingly, he was appointed temporarily on contract basis by the second respondent to the post of Assistant for a period of one year by an order dated 24.09.1996. Subsequently, he ousted from service by a communication dated 27.03.1998. Further, he was re-appointed as Assistant on 04.05.1998. He was granted regular time scale of pay with effect from 28.10.1999. Thereafter, he elevated to the post of Selection Grade Assistant with effect from 01.11.2009. Therefore, he submitted



W.P.No.21664 of 2012

representation for retrospective regularisation of service with effect from his initial date of appointment.

4. A perusal of the counter filed by the respondents revealed that the petitioner's service was regularised in the year 2001 with effect from 28.10.1999. The petitioner's appointment was made temporarily on contract basis for a period of one year on 14.12.1996. Thereafter, he was ousted from service on 27.03.1998. Once again, he was re-appointed as Assistant on 04.05.1998 and his service was regularised with effect from 01.11.2009. The counter also did not even whisper about that why the petitioner's service was ousted on 27.03.1998 immediately he was re-appointed to the same post on regular time scale of pay on 04.05.1998. However, his service was regularised only from 28.10.1999. The break in service cannot be impediment for regularisation of service from the date of his initial appointment. As stated supra, there was absolutely no reason for ousting of his service. Therefore, the respondents are liable to regularise his service from the date of his initial appointment. Therefore, the respondents can very well



W.P.No.21664 of 2012

WEB COPY

condone the break in service of 38 days for the purpose of regularising his service from the date of initial appointment.

5. In view of the above, the respondents are directed to regularise the service of the petitioner with effect from the date of initial appointment i.e. 04.12.1996 with all consequential benefits within a period of twelve weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition stands allowed. There shall be no order as to costs.

04.09.2023.

Internet : Yes
Index : Yes/No
Lpp

To

1. The Chairman,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai – 600 032.

2. The Member-Secretary,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai – 600 032.



WEB COPY



W.P.No.21664 of 2012

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.21664 of 2012

04.09.2023