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W.P.No. 24592 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

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

W.P.No. 24592 of 2012

M.Arumugam

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Petitioner

Vs

1. The Commissioner of Employment and Training,
(Employment Wing)
Thiru-vi-ka Industrial Estate,
Guindy,
Chennai – 600 032.

2. The Assistant Director (Administration),
Commissionerate of Employment and Training,
Chennai – 600 032.

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Respondents

PRAYER: Writ Petition has been filed under Art. 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to regularize the period spent on duty from 14.12.1984 to 14.12.2008 and revise the petitioner's pay accordingly and grant him all consequential benefits including grant of annual increments, selection grade and special grade scales of pay as per Rules.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for a direction directing the respondents to regularize the service of the petitioner for the period from 14.12.1984 to 14.12.2008 and revise his pay accordingly and grant him all consequential benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner was appointed as Office Assistant in the second respondent office on 17.10.1979. His service was regularised in the year 1982. However, he was placed under suspension with effect from 01.04.1987. Pursuant to the order of suspension he was served with charge memo dated 25.05.1985. Without conducting enquiry, he was removed from service by an order dated 01.04.1987. Thereafter, the petitioner approached the Tamil Nadu Administrative Tribunal, Chennai, challenging the order of dismissal. The Tribunal has set aside the order of dismissal and directed the respondents to reinstate the petitioner into service.



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4. Aggrieved by the same, the respondents filed a review application and the same was also dismissed. Even then the petitioner was not reinstated into service and as such, the petitioner was constrained to file a writ petition before this Court in W.P.No.17447 of 2008 and this Court directed the first respondent to implement the order passed by the Tribunal within a period of three months, by an order dated 21.08.2008. Thereafter, the petitioner was reinstated into service on 15.12.2008. The second respondent also passed an order dated 26.03.2009 stating that the petitioner is entitled to get 75% of salary for the period from 01.04.1987 to 14.12.2008 as Subsistence Allowance and from 15.12.2008, he is entitled for arrears of salary. However, the petitioner was not granted any annual increment and other benefits. Therefore, the petitioner submitted a representation.

5. On perusal of the counter filed by the respondents 1 & 2 herein revealed that after quashing of the order passed by the Tamil Nadu Administrative Tribunal, the petitioner was reinstated into service. The period of suspension and removal from service i.e., from 14.12.1984 to 07.12.2008 was regularised and treated as duty for all purposes by an order dated 25.07.2013. Therefore, the petitioner is entitled for all consequential



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benefits as per rules. However, so far, the petitioner was not granted any other consequential benefits, which the petitioner is entitled for.

6. In view of the above facts and circumstances of the case, the respondents are directed to grant all annual increments and other monetary benefits if any for the regularised period of 14.12.1984 to 07.12.2008 within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands allowed.
There shall be no order as to costs.

01.09.2023

Index: Yes/Nos
Internet: Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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