



W.P.No.27005 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.27005 of 2012

S.Harikrishnan

... Petitioner

-Vs-

1. The Secretary to Government,
Animal Husbandry and Fisheries Department,
Secretariat, Chennai-9.
2. The Director of Animal Husbandry and
Veterinary Services,
Central Administrative Buildings,
(DMS Campus) Chennai.
3. The Regional Joint Director,
Animal Husbandry Department,
Thiruvarur District.
4. The Assistant Director,
Animal Husbandry Department,
Thiruvarur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 2 and 3 to regularize the services of the petitioner on his completion of 10 years with arrears of salary in the post of Veterinary Assistants at Veterinary Sub Centre, Palaiyavalam, Thiruvarur District.



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For Petitioner : Mrs.C.Sriranjani
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents 2 and 3 to regularize the services of the petitioner on his completion of 10 years with arrears of salary in the post of Veterinary Assistants at Veterinary Sub Centre, Palaiyavalam, Thiruvarur District.

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

3. The petitioner was appointed as casual labourer through employment exchange by proceedings dated 06.09.1989 at Veterinary Sub Centre, Palaiyavalam, Thiruvarur District. He was working for more than 23 years continuously at the fixed rate of salary. The similarly placed casual labourers made representation and approached the Tamil Nadu Administrative Tribunal. The respondents were directed to consider them for regularization. The petitioner submitted a representation as per G.O.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 for regularization of



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his service. The above said Government Order directs the services of the daily wages employees working in all Government Departments, who have rendered 10 years of service as on 01.01.2006 be regularized for the post concerned subject to their being qualified for the post.

4. A perusal of the counter filed by the second respondent revealed that the petitioner is not a daily wage employee. Therefore, G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 is not applicable to the petitioner. Further, as per G.O.Ms.No.64, Animal Husbandry, Dairying and Fisheries (AHVII) Department, dated 03.05.2007, the Commissioner of Animal Husbandry and Veterinary Services has been instructed to take into account the casual labourers working in the Animal Husbandry Department for more than ten years while filling up of the 1317 vacancies in the post of Animal Husbandry Assistant. Accordingly, the following qualifications are prescribed for appointment to the post of Animal Husbandry Assistant:-

“ No person shall be eligible for appointment to the post unless he possesses the following qualifications namely:

- (i) must have studied upto VIII standard,
- (ii) must have ability to handle livestock and
- (iii) must know cycling.”

5. Further, the appointment to the post shall be made from among the



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holders of the post of Animal Husbandry Assistant paid from contingencies who have put in service of not less than 5 years. However, the petitioner is neither the holder of the post of Animal Husbandry Assistant paid from contingencies nor the casual labourer. He is only a part time worker and as such, he is not eligible for the post of Animal Husbandry Assistant.

6. Therefore, the request made by the petitioner cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

01.09.2023
(1/2)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



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To

1. The Secretary to Government,
Animal Husbandry and Fisheries Department,
Secretariat, Chennai-9.
2. The Director of Animal Husbandry and
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Central Administrative Buildings,
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Thiruvavarur District.
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G.K.ILANTHIRAIYAN, J.

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