



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No. 30955 of 2013

M.Mani

... Petitioner

..Vs..

1. State of Tamil Nadu,
rep. by its
Secretary to Government
Registration Department,
Secretariat, Chennai-9.
2. Inspector General of Registration
Chennai – 28.
3. The District Registrar (Administration)
District Registration Office,
Vridhachalam,
Cuddalore District.
4. Sub Registrar
Office of Sub Registrar,
Ulundurpet,
Vridhachalam Taluk,
Cuddalore District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records



pertaining to the order passed by the 2nd respondent in his proceedings No.35776/A3/2012-2 dated 16.06.2013 and the consequential order passed by the 3rd respondent in his proceedings No.Na.Ka.No. 2538/A1/2013 dated 22.07.2013 and quash the same, and direct the respondents to regularise the services of the petitioner as per the order passed by the 1st respondent in G.O.Ms.No.84, Commercial Taxes & Registration Department, dated 18.06.2012 and confer all the consequential benefits.

For Petitioner :: Ms. R.Poornima

For Respondents :: Mr. K.Tippu Sulthan
Government Advocate

ORDER

The petitioner seeks for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings No.35776/A3/2012-2 dated 16.06.2013 and the consequential order passed by the 3rd respondent in his proceedings No.Na.Ka.No. 2538/A1/2013 dated 22.07.2013 and quash the same, and direct the respondents to regularise the services of the petitioner as per the order passed by the 1st respondent in G.O.Ms.No.84, Commercial Taxes &



Registration Department, dated 18.06.2012 and confer all the consequential benefits.

2. It is not in dispute that the petitioner had joined the service as a Part Time Masalji on 19.01.1999. The records also reveal that he joined service on 22.01.1999 before the Sub Registrar Office, Ulundurpet, Cuddalore. The petitioner left service on 06.01.2012 and the very next day, he joined the service of the Prison Department as a Cook on 07.01.2012. The Government issued an order in G.O.Ms. (2D) No. 31 Commercial Taxes and Registration Department dated 01.03.2012 whereunder those who have working as Part time Masalji were absorbed into service. The condition being the person should be in employment on the date on which the Government Order was passed.

3. In this particular case, the petitioner had left the service and had joined the Prison Department and therefore, was not entitled to its benefit. I am not able to find anything wrong with the impugned order. The petitioner should have been in service as the date of the order. Admittedly, the petitioner left the service and had also joined the Prison Department. The Government Order is only prospective in operation and it would not



help those persons, who had already left the service. Therefore, I do not find anything wrong in the impugned order.

4. Ms. R.Poornima, learned counsel for the petitioner would make a statement that the petitioner had put in 13 years of service with the Registration Department and that period should be considered when he joined as Cook in the Prison Department. That is not the scope of the Writ Petition.

5. The petitioner is granted liberty to approach the Prison Department by way of a representation seeking for addition of the time he worked as a Part Time Masalji, to be calculated in his present service for the prison department. If the rules permit such addition, the Prison Department is directed to pass appropriate orders.

6. With the above observation, this Writ Petition stands dismissed.

No costs.

19.06.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



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To

1. Secretary to Government
State of Tamil Nadu,
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2. Inspector General of Registration
Chennai – 28.
3. The District Registrar (Administration)
District Registration Office,
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4. Sub Registrar
Office of Sub Registrar,
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V. LAKSHMINARAYANAN, J.,

vsg

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