



W.P.Nos.5356 and 5357 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

W.P.Nos.5356 and 5357 of 2015

W.P.No.5356 of 2015:

- 1.R.Venkatesan
- 2.K.Ravindran
- 3.G.Mahalakshmi
- 4.K.C.Ramachandran
- 5.V.Sampath
- 6.P.V.Sukanya Devi
- 7.V.Duraiswamy
- 8.P.D.Vasu
- 9.N.Chitradevi
- 10.T.Velu
- 11.G.Mohan
- 12.S.Kabala Moorthy
- 13.M.Swami Durai

...Petitioners

Vs.

The State of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Chennai - 600 009.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent to apply the ratio laid down by this Court in Judgment dated 25.03.2014 in W.P. Nos.12477 of 2007 and 12478 of 2007 to the case of the petitioner and to



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regularize the service of the petitioner with effect from 25.06.1984 with all consequential benefits as per G.O.Ms.No.996, Personnel & Administrative Reforms Department (P) Department dated 22.09.1984, thereby reckoning the total qualifying service for Pensionary benefits.

For Petitioners : Mr.M.Ravi

For Respondent : Ms.M.Jayanthi
Additional Government Pleader

W.P.No.5357 of 2015:

1.V.Natarajan

2.J.Kumudha

3.A.Devendiran

4.M.Shanmugam

...Petitioners

Vs.

The State of Tamil Nadu,
Represented by Secretary to Government,
Revenue Department,
Chennai - 600 009.

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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent to apply the ratio laid down by this Court in Judgment dated 25.03.2014 in W.P. Nos.12477 of 2007 and 12478 of 2007 to the case of the petitioner and to regularize the service of the petitioner with effect from 25.06.1984 with all consequential benefits as per G.O.Ms.No.996, Personnel & Administrative Reforms Department (P) Department dated 22.09.1984, thereby reckoning the total qualifying service for Pensionary benefits.

For Petitioners : Mr.M.Ravi

For Respondent : Ms.M.Jayanthi

Additional Government Pleader



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COMMON ORDER

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These Writ Petitions have been filed seeking for mandamus, directing the respondent to apply the ratio laid down in W.P. Nos.12477 of 2007 and 12478 of 2007 of this Court dated 25.03.2014 and to regularize the services of the petitioners with effect from 25.06.1984 with all consequential benefits as per G.O.Ms.No.996, Personnel & Administrative Reforms Department (P) Department dated 22.09.1984, and to fix qualifying service for Pensionary benefits.

2. The fact as per the affidavit enclosed to these petitions are that the petitioners were initially appointed as Junior Assistants in the Department of Survey and Land Records. They were sponsored by the Employment Exchange and initially they were paid Rs.450/- per month.

3. The petitioners' services were not regularized from the date of joining to service i.e., from the date of initial appointment in the year 1983. Government had issued a Order in G.O.Ms.No.996, Personnel & Administrative Reforms Department (P) Department dated 22.09.1984, in respect of absorption in Government Services of temporary Junior



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Assistants, Typists, Steno typists etc., recruited through Employment Exchange. As per the said Government Order, all the temporary personnels in the category of Junior Assistants, Typists, Steno-typists in the Tamil Nadu Ministerial Service / Tamil Nadu Judicial Ministerial Service recruited through Employment Exchange and who are in service from 25.06.1984 be regularized with effect from 25.06.1984 in the same category and in the same Department in which they were working.

4. Accordingly petitioners were placed in the time scale of pay and their services were regularized to the post of Junior Assistants. Thereafter, they were promoted as Assistants and later retired from service, after attaining the age of superannuation on various dates as shown in para No.3 of the affidavit.

5. The petitioners have filed various representations to the Government to evoke the benefits of G.O.Ms.No.996, Personnel & Administrative Reforms Department (P) Department dated 22.09.1984 to the petitioners and to absorb their service from 1983 onwards from the date when they joined service. But there was no response. W.P.No.12477 of 2007



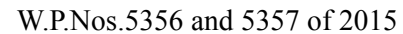
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and 12478 of 2007 were filed by similarly placed persons seeking to regularize their services from 25.06.1984 with all consequential benefits.

The said Writ Petitions were allowed on 25.03.2014. Since the petitioners are also similarly placed to that of the petitioners in both the writ petitions referred above, sought for regularisation of the services of the petitioners from 25.06.1984. Petitioners have also given representations to that effect. However, there was no response.

6. Additional Director of Survey and Land Records has filed counter affidavit through learned Additional Government Pleader giving details, as to how the petitioners have got into the service through Employment Exchange and details about regularizing their services and about their promotion etc. It is also mentioned in the counter affidavit that aggrieved by the orders in W.P.No.12477 and 12478 of 2007, the respondent preferred Writ Appeal in W.A.No.550 of 2015, finally submitted that the service of the petitioners cannot be regularised from 25.06.1984 as per the G.O.Ms.No.996, Personnel and Administrative Reforms (P) Department dated 22.09.1984.

7. Heard and perused the records.



"3. It is not in dispute that the respondents had been appointed through regular recruitment. In view of the ban on recruitment, the respondents were appointed on consolidated pay. The fact remains that the said appointments were against sanctioned vacancies and the Government also thought fit to regularise their services with effect from 18.01.1990. In the above background, we do not find any error in the order passed by the learned single Judge in directing regularisation of their service. However, the learned single Judge had further directed that their regularisation will be with all consequential benefits. We make it clear that consequential benefits will be restricted to their retirement benefits and pension alone. They will not be entitled to claim salary as regular employee before the date of their actual regularisation i.e., on 18.01.1990. "



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9. On perusal of orders in W.A.No.550 of 2015, it is clear that, the Appellate Court has restricted the orders of Writ Court in W.P.No.12477 and 12478 of 2007 only to the extent of retirement benefits and pension and that the petitioners whereas declining to confirm the order of the writ petition granting salary to the petitioners as the regular employees prior to before the date of their actual regularisation. There is no records placed before this Court, whether subsequent to passing of the Orders in W.A.No.550 of 2015, the Government has challenged the order W.A.No.550 of 2015 before Hon'ble Supreme Court of India. Thereby, the orders passed in W.A.No.550 of 2015, are binding on the respondent Government even in respect of petitioners also.

10. Considering the facts discussed above, these Writ Petitions are disposed of, with a direction to the respondent to apply the ratio laid down in the Judgment of this Court in W.P.Nos.12477 and 12478 of 2007 dated 25.03.2014 as modified in W.A.No.550 of 2015 dated 20.04.2018 to the petitioners also.



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WEB COPY 11. In fine, this Writ Petition is disposed of with the above direction.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index :Yes/No
Internet :Yes/No
gd/dpa

To

The Secretary to Government,
Revenue Department,
Chennai - 600 009.



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Dr.D.NAGARJUN,J.

gd

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