



W.P.No.19241 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.19241 of 2020

and

W.M.P.No.26663 of 2021

V.Arumugam

... Petitioner

Vs.

- 1.The Secretary to the Government,
Animal Husbandry, Dairying & Fisheries
Department,
Fort St.George, Chennai -9.
- 2.The Secretary to the Government,
Personnel and Administrative Reforms
Department,
Fort St.George, Chennai - 9.
- 3.The Secretary to the Government,
Finance (A.H.D and F) Department,
Fort St.George, Chennai - 9.
- 4.The Secretary to the Government,
Law Department,
Fort St. George, Chennai - 9.
- 5.The Director,
Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex Building, Saidapet.



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6.The Regional Joint Director,
Animal Husbandry Department,
Pudukottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to regularise the service of the petitioner from the date of regular time scale of pay in the post of Animal Husbandry Assistant was given to similarly placed persons in Government orders 1.) G.O.Ms.No.17 dated 03.02.2004 2.) G.O.Ms.No.49 dated 20.02.2013 3.) G.O.Ms.No.185 dated 22.09.2015 4.) G.O.Ms.No.144 dated 26.09.2016 5.) G.O.Ms.No.251 dated 21.12.2017, 6.) G.O.Ms.No.38 dated 05.03.2018, 7.) G.O.Ms.No.58 dated 20.03.2018 8.) G.O.Ms.No.91 dated 15.07.2019 9.) G.O.Ms.No.157 dated 04.11.2019 10.) G.O.Ms.No.14, dated 27.11.2019 11.) G.O.(3D) Ms.No.02 dated 20.02.2020.

For Petitioner : Mr.S.Gunasekaran

For Respondents : Mr.G.Nanmaran, Special Govt. Pleader

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the respondents to regularise the service of the petitioner from the date of regular time scale of pay in the post of Animal Husbandry Assistant was given to similarly placed persons in Government orders 1.) G.O.Ms.No.17 dated 03.02.2004 2.)



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G.O.Ms.No.49 dated 20.02.2013 3.) G.O.Ms.No.185 dated 22.09.2015

4.) G.O.Ms.No.144 dated 26.09.2016 5.) G.O.Ms.No.251 dated 21.12.2017, 6.) G.O.Ms.No.38 dated 05.03.2018, 7.) G.O.Ms.No.58 dated 20.03.2018 8.) G.O.Ms.No.91 dated 15.07.2019 9.) G.O.Ms.No.157 dated 04.11.2019 10.) G.O.Ms.No.14, dated 27.11.2019 11.) G.O.(3D) Ms.No.02 dated 20.02.2020.

2. Heard Mr.S.Gunasekaran, learned counsel for the petitioner and Mr.G.Nanmaran, learned Special Government Pleader appearing for the respondents.

3. The petitioner worked as Driver in the Animal Husbandry, Dairying and Fisheries Department and retired from service on 30.06.2019. The petitioner is entitled for regularisation from the date of his appointment, but the fourth respondent had regularised the petitioner's service from the date of the G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries Department dated 28.08.2008. Aggrieved over the same, the petitioner is before this Court.



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4. The contention of the petitioner is that the similarly placed persons have already filed Writ Petitions in W.P.Nos.8931, 8932 & 21382 of 2009 challenging G.O.Ms.No.117, Animal Husbandry, Dairying and Fisheries Department dated 28.08.2008 which contemplates regularisation from the date of issuance of the above Government Order. By virtue of the order granted in the above Writ Petition, a revised Government Order has been passed in G.O.3D.No.2 dated 20.02.2020. In compliance of the order of this Court made in the above writ petition, the service of the persons covered under G.O.Ms.No.117 dated 28.08.2008 have been regularised from the date of their appointment instead of from the date of issuance of G.O.Ms.No.117 dated 28.08.2008.

5. Since the petitioner is also similarly placed as like the petitioners in W.P.Nos.8931, 8932 & 21382 of 2009, the very same benefit is applicable to the petitioner also and hence the first respondent is directed to pass appropriate orders in the light of G.O.3D.No.2 dated 20.02.2020 within a period of four weeks.



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6. In the result, this Writ Petition is allowed and the first respondent is directed to pass appropriate orders in the light of G.O.3D.No.2 dated 20.02.2020 within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

19.10.2023

Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To

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