



W.P.No.27534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 20.09.2023**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**W.P.No.27534 of 2023**

S.Jaffar

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by its Secretary to Government,  
Environment, Climate Change and Forests Department,  
Chennai – 600 009.

2.The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Road, Chennai – 600 032.

3.The Member Secretary,  
Tamil Nadu Pollution Control Board,  
Guindy, Chennai – 600 032.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to appoint the petitioner permanently in any post of Lab Attender or Field Assistant or Office Assistant in the existing or future vacancies at the offices of 2<sup>nd</sup> and 3<sup>rd</sup> respondents with all service and monetary benefits, including continuity of service on par with petitioner's juniors, by considering the petitioner's latest representation, dated 06.07.2023, positively.



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For Petitioner : Mr.S.Mani  
for Mr.J.Stalin

For R1 : Mr.M.Alagu Gowtham  
Government Advocate

### **ORDER**

This writ petition has been filed to direct the respondents 1 to 3 to appoint the petitioner permanently in any post of Lab Attender or Field Assistant or Office Assistant in the existing or future vacancies at the offices of 2<sup>nd</sup> and 3<sup>rd</sup> respondents with all service and monetary benefits, including continuity of service on par with petitioner's juniors, by considering the petitioner's latest representation, dated 06.07.2023, positively.

2.It is the case of the petitioner that he was appointed as temporary NMR on 01.04.1991 and thereafter, he was terminated from service in the year 1993. It is the contention of the petitioner that similarly placed persons were reinstated into service in the year 1997 and almost all the terminated persons who were juniors to the petitioners, were regularized later. However, it is the grievance of the petitioner that he has been singled out and his name had been left out in the temporary staff list.



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Hence, the petitioner submitted several representations to the respondents in this regard. Since the same were not considered, the present writ petition has been filed.

3.It is the main contention of the learned counsel for the petitioner that the petitioner has worked for more than 240 days and when the junior to the petitioners, who have worked for more then 240 days, have been regularized, the petitioner's case ought to have been considered positively by the respondents.

4.Heard the learned counsel for the petitioner and Mr.M.Alagu Gowtham, learned Government Advocate, who takes notice for the 1<sup>st</sup> respondent.

5.The petitioner's grievance is that he should be permanently appointed in any of the posts as Lab Attender or Field Assistant or Office Assistant on regular basis. The petitioner had also submitted various representations to the respondents claiming regularisation on the basis that he has worked for more than 240 days and seeking confirmation of permanent status. However, his representations were rejected by the



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respondents by order dated 19.10.2011, since the petitioner has not worked for more than 480 days, and stating that the petitioner has worked for only 95 days from January, 1991 to February, 1992. Now, after rejection of the request of the petitioner, it appears that the petitioner has addressed the Government once again in the form of representation, dated 06.07.2023, as if it is an appeal. In such view of the matter, when the petitioner's request has already been rejected earlier, as a matter of right, the petitioner, once again, cannot seek any positive directions from this Court.

6.However, since it is the main contention of the learned counsel for the petitioner that similarly placed persons have been considered by the Government and have been regularized, it is for the Government to decide whether to accept or reject the case of the petitioner. Therefore, let the Government take a call and decide the case of the petitioner on its own merits, within a period of one month from the date of receipt of a copy of this order, since the petitioner, as a matter of right, cannot seek any positive directions from this Court, as his request had already been rejected earlier.



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7. With these observations, this writ petition is disposed of. No

costs.

**20.09.2023**

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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State of Tamil Nadu,  
Environment, Climate Change and Forests Department,  
Chennai – 600 009.

2. The Chairman,  
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No.76, Mount Road, Chennai – 600 032.

3. The Member Secretary,  
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**N. SATHISH KUMAR, J.**  
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