



WEB COPY



W.A.No.1887 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No.1887 of 2019
and CMP.No.12785 of 2019

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying & Fisheries Department,
Fort St. George,
Chennai 600 009.
2. The Commissioner and Director,
Animal Husbandry and Veterinary Services,
DMS Buildings,
Chennai 600 006.
3. The Regional Joint Director,
Animal Husbandry Department,
V.O.C.Nagar, Thanjavur.
4. The Assistant Director,
Animal Husbandry Department,
Kumbakonam,
Thanjavur District.

...appellants

Vs.

V.Vilvanathan

...respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the



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order dated 17.11.2016 made in WP.No.855 of 2009 passed by the Single

Judge of this Court.

For appellants : Mr.L.S.M.Hasan Fizal, AGP
For respondent : Mr.S.Gunasekaran

JUDGMENT

(The Judgment of the Court was delivered by R.SUBRAMANIAN, J)

The prayer in the Writ Petition reads as follows:

"The prayer in the writ petition is for a Writ of certiorarified mandamus calling for the records on the file of the 1st respondent in G.O.Ms.No.117, Animal Husbandry Dairying and Fisheries (AH7) Department, dated 28.8.08 and on the file of the 4th respondent in proceedings 1.Naka.No.3895/A/08-1 dated 19.09.2008, 2.Na.Ka.No.3895/A/2008, dated 07.10.2008 and 3. Na.Ka.No.3895/A/08-2, dated 07.10.2008 quash the same and direct the respondents to regularize the services of the petitioner with effect from 20.08.1998 the date of joining in the regular post as Animal Husbandry Assistant and direct the respondents to sanction increment with effect from 01.07.1999 with all consequential service and monetary benefits."

2. The facts are not in dispute. The respondent was appointed as a casual labourer on 26.12.1987. Having completed 10 years of service as casual labourer, the respondent was entitled to regularisation. Pursuant to



the orders of the State Administrative Tribunal, the second appellant passed orders on 20.08.1998, regularising the services of the respondent as Animal Husbandry Assistant. Since subsequently the Government orders attempted to take away the right of the respondent, the respondent approached this Court with the above prayer.

3. The Writ court had relied upon the order made by it in WP.No.22168 of 2009 and allowed the Writ Petition based on the conclusion on terms as indicated in Paragraphs 14 and 15 of the order in WP.No.22168 of 2009. The said paragraphs read as follows:

"14. Therefore, this Court has no hesitation to hold that the denial of the benefits of regularising of the services of the petitioner from the date of appointment or the date actually the petitioner was brought into time scale of pay, is totally unsustainable in law and therefore, the contentions made in this regard on behalf of the respondents are liable to be rejected and accordingly, is rejected.

15. In the result, the writ petition is allowed. The respondents are directed to regularise the service of the petitioner from the date of appointment or the date on which the petitioner was brought into time scale of pay. Once the petitioner is entitled to get his service regularised as above, needless to say that the petitioner shall also be eligible to get



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all service benefits including periodical increment in pay.

Therefore, the respondents are directed to calculate the said pay difference, pay arrears after calculating increment to be paid to the petitioner and pay the same to the petitioner. All the aforesaid directions shall be complied with by the respondents within a period of three months from the date of receipt of a copy of this order. No costs."

4. When this appeal was taken up for hearing the learned counsel appearing for the respondent has produced the judgment of the Division Bench of this Court in WA.No.2861 of 2018 dated 21.12.2018. A perusal of the same shows that the said appeal was filed against the order in WP.No.22168 of 2009, which has been relied upon by the Writ Court to allow this Writ Petition. We find from the judgment of the Division Bench that the appeal has been dismissed confirming the judgment of the Writ Court.

5. In view of the above, nothing remains to be adjudicated in this appeal and this appeal is also dismissed following the decision of the Division Bench of this Court in W.A.No.2861 of 2018. The Government will implement the order of the Writ Court within a period of twelve weeks



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from the date of receipt of a copy of this order. No costs. Consequently,

connected miscellaneous petition is closed.

(R.S.M.J.) (K.G.T.J.)
14.02.2023

Index : No
Speaking order: No
pvs



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