



W.P.No.27936 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.27936 of 2018
and
W.M.P.No. 10295 of 2022

M.Lokanathan

.. Petitioner

VS

1.The Principal Secretary to Government
Public Works Department,
Secretariat, Chennai – 600 009.

2.The Chief Engineer
Public Works Department,
Chepauk, Chennai – 05.

3.The Superintending Engineer,
Public Works Department,
Chepauk, Chennai – 05.

4.The Executive Engineer
Thiruvallur Division,
Thiruvallur District,
Thiruvallur.

5.The Assistant Engineer,
Building Section,
Tiruttani.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to regularize the service of the petitioner as Technical Assistant with effect from the date of entry into the service i.e., 02.07.1984 and to pay the terminal benefits and the pensionary benefits by taking



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into account the entire service i.e., from 02.07.1984 to 31.03.2009 as per the orders of the Hon'ble Tamil Nadu Administrative Tribunal in O.A.No.877 of 1989 dated 31.05.1996.

For Petitioner : Mr.V.S.Jegadeesan
For Respondents : Mr.S.Ravikumar
Special Government Pleader

ORDER

Writ petition has been filed in the nature of writ of mandamus directing the respondents to regularize the service of the petitioner as Technical Assistant with effect from the date of entry into service, namely, 02.07.1984 and to pay terminal benefits and other retirement benefits by taking into consideration the entire service of the petitioner from 02.07.1984 till 31.03.2009 consequent to orders of the Tamil Nadu Administrative Tribunal in O.A.No.877 of 1989 dated 31.05.1996.

2. The petitioner was sponsored through the employment exchange and was selected as Technical Assistant and appointed on 02.07.1984 initially as Nominal Muster Roll on daily rated wages basis. After completion of five years, he was terminated from service. Questioning this particular termination, he filed OA No. 877 of 1989 before the Tamil Nadu Administrative Tribunal and by



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order dated 31.05.1996, the termination was set aside and finally the Tribunal directed as follows:-

"the applicant is eligible to be brought on the time scale of pay and in view of the long service rendered by him, he should be regularized as per Government Orders in force. The termination of the appointment without notice is legally unsustainable. Therefore we set aside the order issued by the Assistant Engineer, Public Works Department in letter No. 292/AE/(B)II/ dated 21.06.1989 and direct the respondents to bring the applicant to regular time scale and regularize his service from the date of his entry into the service within two months from the date of receipt of this order"

3. Even during the pendency of Original Application before the Tribunal consequent to the order of interim stay, it is claimed by learned counsel for the petitioner that the petitioner continued to be in service and he attained the age of superannuation on 31.03.2009.

4. The respondents on the other hand had regularized the petitioner in the post of Technical Assistant with effect from 20.02.1988 placing reliance on G.O.Ms.No.66 PW (C-1) Department dated 22.02.1988. The said G.O was prospectively applied.



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Department dated 22.02.1988;

(iv) The fact that the petitioner had been regularized and had attained the age of superannuation on 31.03.2009;

(v) The fact that the writ petition had been filed on 10.10.2018.

7. Thus, the first respondent may take all these above facts into consideration and pass necessary orders within a period of sixteen weeks from the date of receipt of a copy of this order. Before passing the order, the entire file of the petitioner may also be examined, particularly the recommendations of the other authorities after the order of the Tribunal in the Original Application. Any order passed by the first respondent should be with specific reasons.

8. The writ petition stands disposed of accordingly. No costs. Connected miscellaneous petition is closed.

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Index:Yes/No
Neutral Citation:Yes/No
ssm



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To
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C.V.KARTHIKEYAN,J.

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