IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.28225 of 2012

1.M.Chandrasekaran
2.P.Rangasamy
3.S.Anthony Muthu
4.S.Chinnasamy
5.S.Rajendran
6.S.Subramanian
7.G.Subramanian
8.T.Moorthy
9.P.Muthukrishnan
10.M.Ramaiyan
11.P.Ramaiyan
12.G.Sebastian
13.V.S.Jeyaraman
14.K.Baluchamy ...Petitioners

-Vs-

1.The Government of Tamil Nadu,
Rep. by its Secretary to the Government,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai – 600 009.

2.The Principal Secretary/Commissioner,
Commercial Taxes Department,
Chennai – 600 005.

3.The Joint Commissioner of Commercial Taxes
Court Complex, Cantonment,
Trichy – 621 001. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in G.O.(2D) No.171, Commercial Taxes and Registration (A1) Department, dated 07.09.2012 and quash the same in so far as regularization of services of petitioners 1 to 13 from the date of issue of the said order and denial of regularization of the services of the petitioner-14 are concerned and direct the respondents to regularize the petitioner's services in the post of Office Assistant/Night Watchman cum Sweeper as the case may be with effect from the dates of their initial appointment in the said posts as set out in the impugned order with monetary benefits from the said dates and grant them all consequential benefits.

For Petitioners	:	Mr.P.Manoj Kumar
For Respondents	:	M/s.Vasanthamala Government Advocate

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order of the 1st respondent in G.O.(2D) No.171, Commercial Taxes and Registration (A1) Department, dated 07.09.2012 and direct the respondents to regularise the petitioners services in the post of Office Assistant/Night Watchman cum Sweeper as the case may be with effect from the dates of their initial appointment in the said posts as set out in the impugned order with monetary benefits from the said dates and grant them all consequential benefits.

2. The case of the petitioners is that they were appointed on various dates as Office Assistants/Night Watchman cum Sweeper. The services of the petitioners were not regularised on the ground that rules need to be relaxed by the Government. Due to the said reason, several service benefits were denied to the petitioner like periodical annual increments, pay commission arrears, etc. The Government issued order regularizing the services of the petitioners 1 to 13 with effect from the date of issuance of the order, viz., 07.09.2012. The said Government Order also reveals that the 14th petitioner having retired from service prior to the issuance of the said order, the question of regularising his service does not arise.

3. Learned counsel for the petitioners submitted that the non-regularisation of the 14th petitioner deprives him of service benefits like pension, etc., and the regularisation of the other petitioners only from 07.09.2012 deprives them of many service benefits. It is the further case of

the petitioners that similarly placed persons, whose services were regularized belatedly with effect from the date of issuance of the Government Order, filed writ petition in W.P.Nos.10034 to 10038 of 2012 and this Court allowed the said writ petitions against which writ appeal in W.A.Nos.871 to 879 of 2014 were filed. The Division Bench of this Court, vide order dated 18.07.2018, dismissed the writ appeals confirming the order passed by the learned Single Judge. Against the said order, Special Leave Petition was filed before the Hon'ble Supreme Court. It is further submitted by the petitioners that pending the Special Leave Petition, the services of the petitioners therein were regularised from the date of their initial appoint, however, subject to the outcome of the Special Leave Petition. Since the said benefit has not been conferred on the petitioners herein, the present petition has been filed.

4. Learned counsel for the petitioners further submitted that since the petitioners herein are also similarly placed, this Court may direct the respondents to extend the benefit of the order in the above writ appeal to the petitioners herein, which may be subject to the outcome of the Special Leave Petition.

5. Heard both sides and perused the materials available on record.

6. The facts in issue are not in dispute. So also the order of the learned Single Judge, which has been affirmed in the appeal against which SLP has been filed and the same is pending. In such circumstances, this Court is of the considered view that the benefit, as has been granted to the petitioners in W.P.Nos.10034 to 10038 of 2012 could be extended to the petitioners herein as well.

7. In such circumstances, this Court, without going into the merits of the issue, **directs the respondents to grant similar relief as has been granted to the petitioners in W.P.Nos.10034 to 10038 of 2012, which has been affirmed in W.A.Nos.871 to 879 of 2014, which benefit would be subject to the outcome of the Special Leave Petition pending before the Hon'ble Supreme Court. The respondents are directed to implement this order and grant all the benefits to the petitioner within a period of six**

months from the date of receipt of a copy of this order.

J.SATHYA NARAYANA PRASAD, J.

In the result, the **writ petition stands disposed of with the aforesaid observations and directions**. No costs.

12.03.2024

cda
Index : Yes/No
Speaking/Non Speaking order

To

1.The Secretary to the Government,
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Commercial Taxes and Registration
Department, Fort St. George,
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