



W.P.No.9909 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9909 of 2020
and W.M.P.No.12043 of 2020

Dr.M.Senguttuvan

...Petitioner

-Vs-

1. The Secretary to the Government,
State of Tamilnadu,
Animal Husbandry Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Animal
Husbandry Department,
Central Office Building,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to regularize the petitioner service from 21.04.1987 and provide with revised retirement benefits and pension according to the Pension Rules, and quash the order passed by the first respondent similar to the absorption made in G.O.(D).No.42 dated 01.02.2019 issued by the first respondent and issued in terms of the representation dated 19.12.2016 given by the petitioner.



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For Petitioner : Mr.M.Muthappan
For Mr.S.Saranraj

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to regularize the petitioner's service from the date of his original appointment viz., 21.04.1987.

2. The petitioner is qualified with Bachelor of Veterinary Science graduation. He was appointed as Veterinary Assistant Surgeon by an order dated 21.04.1987 under Rule 10(a)(1) of the Tamil Nadu State and Subordinate Services Rules by the second respondent. Thereafter, the petitioner was ousted from service for the want of vacancy. One of the employees approached the Tamilnadu Administrative Tribunal (hereinafter referred to as "TAT") in O.A.No.5501 of 1993 and he was allowed to continue in service. Subsequently, his service was also regularized. Insofar as the petitioner is concerned, only in the year 2002, he had approached the TAT in O.A.No.576 of 2002, in which the respondents were directed to consider



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the case of the petitioner, if there is any vacancy. Accordingly, in the year 2006, he was appointed to the post of Assistant Veterinary Surgeon and thereafter his service was regularized with effect from 22.02.2006. Therefore, the petitioner filed the present writ petitioner with the above prayer.

3. The learned counsel appearing for the petitioner submitted that similarly placed persons service was regularized from the date of original appointment. Therefore, the request made by the petitioner can be considered on par with the similarly placed persons.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. Admittedly, the petitioner was ousted from service in the year 1993. Thereafter, he filed application before the TAT only in the year 2002. Therefore, there was a break in service. Whereas, the similarly placed person obtained an interim orders and continued in service. Further, the petitioner was subsequently entered into service as fresh entrant only in the year 2006 and thereafter his service was regularized.



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Therefore, the request of the petitioner to regularize his service from the date of initial appointment cannot be considered and the writ petition itself devoid of merits and liable to be dismissed. However, it is made clear that, if the petitioner was not settled with retirement benefits, the respondents are directed to disburse all the eligible retirement benefits to the petitioner.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

24.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J,

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