



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.11951 of 2021
and W.M.P.No.12721 of 2021

L.Paramasivam,
S/o.S.Loakshmanan,
Office Superintendent (Retired),
Office of the Regional Deputy
Director of Survey and Land Records,
Chepauk, Chennai - 600 005. ...

Petitioner

versus

1.Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Revenue Department, Secretariat,
Chennai - 600 009.

2.The Commissioner / Director of Survey
and Settlement, "Survey House"
Chepauk, Chennai - 600 005. ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the Second Respondent in relation to his proceedings Ra 2/41279/2019 (Sy) (1) dated 18.05.2020 and quash the same and directing the respondents to pass appropriate orders regularising the services of the



petitioner in the post of Junior Assistant w.e.f. 19.10.1983 and to grant all consequential benefits, including higher retirement and pensionary benefits.

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For Petitioner : Mr.M.Ravi
For Respondents : Mr.R.Kumaravel
Additional Government Pleader

ORDER

Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.R.Kumaravel, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The limited point on which the petitioner has raised this claim is that his services from the date of appointment i.e. on 19.10.1983 to the date of regularization i.e. on 14.09.1990 should also be included in calculating his qualifying services. By virtue of an order dated 27.07.2018, the petitioner's request to consider the period from 03.03.1983 to 13.09.1990 for regularization has not been accepted. The petitioner has filed a Writ Petition in W.P.No.28739 of 2019 by seeking a direction to consider his representation for the same claim and the same was disposed. However, the same has been rejected by the 2nd respondent on 18.05.2020 by stating



that he cannot get the benefit of earlier order in WP.No.12477 of 2007 or W.A.No.550 of 2015 because he was not a party to those proceedings.

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3. Mr.M.Ravi, learned counsel for the petitioner submitted that when the right is settled in favour of a person that should be extended to other similarly placed persons and the petitioner alone cannot be discriminated. It is further submitted that the petitioner also made a request to consider his case as a Ceylon repatriate category. But the same was rejected stating that the petitioner has not been employed under Ceylon repatriates category. In the impugned order itself, it has been stated that similarly placed persons by names Sivaraman and Ezhilarasi had obtained orders for getting regularisation from the date of their appointment.

4. In this regard, it is relevant to refer the judgment of the Division Bench of this Court made in ***W.A.No.550 of 2015 dated 20.04.2018 [The Government of Tamilnadu Vs. G.Sivaraman]*** wherein it has observed as under:-



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“3.It is not in dispute that the respondents had been appointed through regular recruitment. In view of the ban on recruitment, the respondents were appointed on consolidated pay. The fact remains that the said appointments were against sanctioned vacancies and the Government also thought fit to regularise their services with effect from 18.01.1990. In the above background, we do not find any error in the order passed by the learned single Judge in directing regularisation of their service. However, the learned single Judge had further directed that their regularisation will be with all consequential benefits. We make it clear that consequential benefits will be restricted to their retirement benefits and pension alone. They will not be entitled to claim salary as regular employee before the date of their actual regularisation i.e., on 18.01.1990.”

5. In fact, in the impugned order, the above order has been referred. But the only reason for which the relief was not granted to the petitioner is that he has not challenged the order of rejection individually as how the other persons did. As stated already, the order of rejection has been issued against this petitioner by stating that the appointment does not fall under Ceylon repatriate category.



6. The order passed by the Division Bench of this Court in

W.A.No.550 of 2015 is an order settling the legal position stating that the petitioners have been appointed against the sanctioned vacancies and got regularised from the date of their initial appointment. Since the above judgment settles a position of law in respect of the appointment of the petitioners and like others, the petitioner is also entitled to the benefit of the said order.

In view of the same, this Writ Petition is **allowed** and the order passed by the 2nd respondent dated 18.05.2020 is hereby quashed and the respondents are directed to regularise the services of the petitioner in the post of Junior Assistant w.e.f. 19.10.1983 and also grant all consequential benefits and pass appropriate orders, within a period of six (6) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

12.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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Chennai - 600 009.
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R.N.MANJULA, J.

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