



WEB COPY



W.P.No.14267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.14267 of 2024

K.Manickam

... Petitioner

Vs.

1. The Secretary to Government,
State of Tamil Nadu,
Agricultural Department,
Fort St.George,
Chennai – 600 009.

2. The Director of Agriculture,
Chepauk, Chennai – 600 005.

3. The Joint Director of Agriculture,
Salem – 636 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 3rd respondent Letter No.A2/2770/2022 dated 08.12.2023 and to quash the same and further direct the respondents to disburse the pension to the petitioner as per the order of the Division Bench, which has been enjoyed by the other colleagues.

For Petitioner : Mr.G.Veerapathiran

For Respondents : Mr.C.Jayaprakash
Government Advocate



W.P.No.14267 of 2024

ORDER

WEB COPY

This writ petition is filed challenging the order dated 08.12.2023, in and by which, the respondents rejected the representation of the petitioner.

2. By the said representation, the petitioner prayed that he should be regularized from his initial date of appointment or in any event upon completion 10 years of his service i.e., with effect from the year 1999. Whereas, the petitioner was regularized in service only with effect from 22.12.2006. The two other employees, who are similarly situated as that of the petitioner were granted the relief and regularized from their initial date of appointment and the petitioner alone was discriminated and hence, even after superannuation, the petitioner made the present representation, which is rejected by the respondents.

3. Heard Mr.G.Veerapathiran, learned counsel appearing for the petitioner and Mr.C.Jayaprakash, learned Government Advocate appearing for the respondents.



W.P.No.14267 of 2024

4. Mr.G.Veerapathiran, learned counsel appearing for the petitioner would submit that firstly, in this case, it can be seen that this Court in W.P.No.4277 of 2006 had categorically observed in paragraph 3 of the order that the petitioner has completed 10 years of service as on 25.06.1999 and directed the respondents to consider the proposal and pass orders.

5. In that view of the matter, the respondents ought to have atleast passed the order regularizing the service of the petitioner with effect from 25.06.1999. This apart, even the respondent Department cannot bring any distinction whatsoever with reference to the cases of two other co-employees viz., S.Thangavel and R.Subramani, who are exactly situated as that of the petitioner and therefore, the respondent Department cannot adopt a double standard. Even though the Division Bench had stated that the benefit would only be from 22.12.2006, when the respondent Department has not followed the same yardstick in respect of the other employees, the petitioner was fully justified in making a representation to extend the said benefit to him. When the other two employees have been granted the benefit, the respondents ought to have considered the case of the petitioner positively and therefore, the impugned order needs interference.



W.P.No.14267 of 2024

6. *Per Contra*, Learned Government Advocate appearing for the respondents would submit that both cases are covered by the respective Court order and in the case of the petitioner, the Division Bench of this Court in W.A.No.3264 of 2019 had directed regularization only from the date of G.O.390, i.e., only from 22.12.2006 and therefore, the petitioner has been regularized only with effect from 22.12.2006.

7. I have considered the rival submissions made on either side and have perused the materials placed before this Court.

8. As rightly contend by the learned Government Advocate appearing on behalf of the respondents, in this case, the case of the petitioner viz., K.Manickam as well as other individuals viz., S.Thangavel and R.Subramani, are covered by separate Court orders governing inter parties. As far as S.Thangavel and R.Subramani are concerned, they moved the Tamil Nadu Administrative Tribunal by way of O.A.No.5596 of 1996 and the Tribunal directed the respondents to regularize their service from their initial date of appointment and accordingly, their services were regularized from the year 1980 and 1983 itself.



W.P.No.14267 of 2024

9. The petitioner also followed the same foot steps and filed

Original Application in O.A.No.1696 of 2003. However, in view of the abolition of the Tamil Nadu Administrative Tribunal, the matter was transferred to this Court by way of writ petition in W.P.No.4277 of 2007 and by an order dated 21.03.2011, this Court noted that the petitioner completed 10 years of service only with effect from 25.06.1999 and directed the respondents to pass orders on the proposal of regularization.

10. The respondents passed an order by G.O.Ms.(2D).No.36, Agriculture (AA.4-1) Department, dated 13.06.2014 regularizing the service of the petitioner. But, however only from the date of G.O. i.e.,with effect from 13.06.2014. The petitioner, therefore once again challenged the same by way of Writ petition in W.P.No.4116 of 2017 and the said writ petition was disposed of by an order dated 11.01.2019.

11. The writ petition was allowed and the respondents were directed to regularize the service of the petitioner with effect from the date of completion of 10 years of service. Aggrieved by the said order, the respondents therein preferred an appeal in W.A.No.3264 of 2019 and by an order dated 25.09.2019, the said order was set aside and in



W.P.No.14267 of 2024

paragraph 17, the Division Bench held as follows:

WEB COPY

“17. Accordingly, instant writ appeal is allowed in part and the order made in W.P.No.4116 of 2017, dated 11.01.2019, is accordingly set aside. While doing so, it is made clear that the respondent would be entitled to the benefit of G.O.Ms.No.390, dated 22.12.2006, and that his regularization would be only from 22.12.2006. As per the said G.O., respondent would be entitled to monetary benefits only from the date of issuance of the said G.O. Monetary benefits would be computed and be paid to the respondent, within a period of eight weeks, from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition No.20667 of 2019 is closed.”

12. Thus, it is very clear that the petitioner was directed to be regularized only with effect from 22.12.2006, which was done. Now, thereafter once again the petitioner compares himself with the other two cases and requests that he should be regularized with effect from 26.09.1989. The same is rejected by the impugned order and as such the present writ petition is filed. Therefore, a perusal of the Division Bench judgment viz., judgment in W.A.No.3264 of 2019, which is extracted above would leave no doubt that the petitioner was directed to be regularized only with effect from 22.12.2006 alone.



W.P.No.14267 of 2024

13. In that view of the matter, when the respondents have regularized the service of the petitioner with effect from 22.12.2006, the petitioner cannot have any further grievance. Accordingly, finding no merits, this writ petition is dismissed. No costs.

04.06.2024

Neutral Citation:No

mp

To

1. The Secretary to Government,
Agricultural Department,
Fort St.George,
Chennai – 600 009.
2. The Director of Agriculture,
Chepauk, Chennai – 600 005.
3. The Joint Director of Agriculture,
Salem – 636 001.



WEB COPY



W.P.No.14267 of 2024

D.BHARATHA CHAKRAVARTHY, J.

mp

W.P.No.14267 of 2024

04.06.2024