



W.P.No.14045 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM:

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

W.P.No.14045 of 2022

C.Diwakar

... Petitioner

Vs

- 1.The Secretary to Government,
Animal Husbandry, Dairying and
Fisheries Department,
Fort St.George,
Chennai 600 009
 - 2.The Commissioner and Director,
Animal Husbandry and Veterinary Service,
Veterinary Hospital Compound,
Nandhanam, Chennai 600 035
 - 3.The Regional Joint Director,
Animal Husbandry Department,
Kancheepuram
 - 4.The Deputy Director of Animal Husbandry,
Cattle Breeding and Fodder Development,
Chitlapakkam, Chennai-64
- [RESPONDENTS]

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the second respondent to consider the petitioner's representation dated 04.09.2020 and direct the second respondent to allocate the petitioner's job benefits from 06.02.2008.



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For Petitioner : Mr.G.A.Thiyagarajan

For Respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed for direction to the second respondent to consider the petitioner's representation dated 04.09.2020 seeking all attendant benefits from the date of his appointment i.e. 06.02.2008.

2. Heard, the learned counsel appearing on either side.

3. The petitioner was appointed as Junior Assistant on compassionate ground on 06.02.2008. However, he was not instructed either orally or in writing regarding the fact that a recruited person has to write the Tamilnadu Public Service Commission Second Class Language Test(Full Test) Part A, B, C & D, Tamil language qualification exam during his five years of service. However, he was removed from his service on 09.03.2015 for not passing Tamil language qualification exam administered by the Tamilnadu Public Service Commission.



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Subsequently the petitioner passed Second Class Language Test (Full Test) Part A, B, C & D, Tamil language qualification examination administered by the Tamilnadu Public Service Commission. Thereafter, the petitioner made representation for his reinstatement into service. However, it was not considered and he was constrained to file writ petition before this Court in WP.No.9101 of 2015. This Court by order dated 07.03.2017, recorded the undertaking given by the respondents that since the petitioner has passed Tamil language test, he would be reinstated into service as soon as he withdraws the writ petition and closed the writ petition. Thereafter, he was reinstated into service on 13.03.2017. However, he was allocated service benefits only from the date of his reinstatement i.e. 13.03.2017 instead of his initial appointment.

4. On perusal of the order dated 21.02.2017 passed by the second respondent, it is clear that after completion of Tamil language test, he was reinstated into service. He had not worked only for the period from 09.03.2015 to 12.03.2017. Therefore, he is entitled for all



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service benefits from the date of his initial appointment dated 06.02.2008.

5. In view of the above, the second respondent is directed to pass appropriate orders in view of the above observations within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

04.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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G.K.ILANTHIRAIYAN, J.



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