



WEB COPY



WP.No.11776 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.01.2024

CORAM

**THE HONOURABLE MS. JUSTICE R.N.MANJULA**

W.P No.11776 of 2021

G.Munirathinam

...

Petitioner

/vs/

- 1 The Principal Secretary,  
Highway and Rural Works Department  
Fort St George, Secretariat, Chennai.
- 2 The Superintending Engineer  
Highways and Rural Works Tamil Nadu Urban  
Development Project Chennai .
- 3 The Divisional Engineer  
Highways and Rural Works Tamil Nadu Urban  
Development Project Division- II  
(Noe renamed as Project -I),  
Chromepet, Chennai-600 044.

...

Respondents

**Prayer:** Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS, directing the respondents to prepare service Book Dossier of Petitioner incorporating correct date of reinstatement with suitable post in terms of G.O. dated 04.02.1988 which is 21.04.1990 by reckoning length of service from 07.07.1980 to 30.06.2010 to



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fixation of salary on reinstated post with increments and other benefits with arrears to authorize such promotions if any fallen due within such length of service with full wages from the date of illegal retrenchment of 21.04.1990 calculation of pension gratuity and other terminal benefits etc. for length of 30 years and to pay the same with interest as applicable; also to pass such other appropriate order/s as this Hon'ble Court may justify fit and necessary to the circumstances and nature of the case; and to direct the respondents to carry out such orders / direction of this Court that would be passed in this case, within a stipulated time frame along with filing of a compilation report before this Court.

For Petitioner : Mr.K.Selvamani

For Respondents : Mr.R.Neethi Perumal  
Additional Government Pleader

### **ORDER**

The petitioner's whose services have been regularized in the post of Godown Keeper with effect from 01.01.1987, has filed this Writ Petition stating that he is entitled to have his services regularised with effect from 07.07.1980, on which date he joined duty and continued to be in service.

2. The petitioner who got terminated before regularization has raised an Industrial Dispute in I.D.No.1186 of 1991 and got an award. In the said award itself, it has been observed that the petitioner was not in continuous service



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between the period from 1982 to 1989. Though he was in service, there was some interruption and not continuous. Even though the petitioner was ordered to be reinstated with continuity of service, in the award passed by the Labour Court, the alleged services of the petitioner from the year 1982 to 1989 was not considered to be continuous services.

3. However, the petitioner has been given with regularization even much prior to 1989 i.e. from 01.01.1987 itself. In such case the petitioner cannot claim that his regularization has to be given to him with effect from 07.07.1980 and that too where he had not challenged the award dated 14.07.1991.

4. Under such circumstances, I do not find any merits in this case. Accordingly, this Writ Petition stands **dismissed**. No costs.

**29.01.2024**

Index : Yes

Internet : Yes/No

Speaking: Non-Speaking

Neutral: Yes/No

jrs



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**R.N.MANJULA, J.**

jrs

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