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W.P.No.20427 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.20427 of 2020

A.Baskaran,
Office Assistant (Retd.),
Panchayat Union,
R.S.Mangalam,
Ramanthapuram District.

...

Petitioner

versus

- 1.The Government of Tamil Nadu,
Rep. by its Principal
Secretary to Government,
Rural Development &
Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of Rural Development &Panchayat,
Panagal Building,
Saidapet, Chennai - 600 015.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 4.The Commissioner,
R.S.Mangalam,
Ramanthapuram District.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the Government Order bearing G.O.Ms.No.28 Rural Development and Panchayat (E7) Department dated 19.04.2012 issued by the first respondent herein in so far relates to regularization of service of the petitioner service as Office Assistant from 13.02.2001 instead of 30.05.1990 and quash the same with all consequential benefits such as refixation of scale of pay, arrears of pay and retirement benefits.

For Petitioner : M/s.T.Hemalatha
For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

The petitioner has filed this Writ Petition, challenging the Government Order dated 19.04.2012 passed by the first respondent with regard to the regularisation of the petitioner's service as Office Assistant from 13.02.2001 instead of 30.05.1990 with all consequential benefits.

2. Heard M/s.T.Hemalatha, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner was appointed as Office Assistant through Employment Exchange on 30.05.1990 and attained the age of



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superannuation on 30.06.2020. The grievance of the petitioner is that while regularising his services in pursuant to G.O.(Ms).No.28, Rural Development and Panchayat (E7) Department, dated 19.04.2012, his 10 years of service has been wrongly counted by considering the qualifying date as 13.02.2001 instead of 30.05.1990. Despite his services being regularised w.e.f. 13.02.2001 on considering his qualifying 10 years of completion of service, the regularisation was not given effect from the date of his appointment i.e. 30.05.1990.

4. Mr.K.H.Ravikumar, learned Government Advocate for the respondents submitted that as per G.O.(Ms).No.878, Rural Development Department dated 15.05.1981 contingent staff who has completed 10 years of service from 01.04.1981 has been granted with the time scale of pay. Since the petitioner acquired the required qualification of completion of 10 years of service only on 13.02.2001, his services have been regularised w.e.f. 13.02.2001. It is further submitted that the petitioner's appointment was originally on 14.02.1991, however due to some mistake while submitting the response to the removal of the audit objection, the respondents inadvertently mentioned his date of appointment as 30.05.1990.



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5. M/s.T.Hemalatha, learned counsel for the petitioner makes a distinction between the petitioner and the others, who got regularised under G.O.(Ms).No.28, Rural Development and Panchayat (E7) Department dated 19.04.2012 by claiming that the petitioner was working in the time scale of pay and not on a consolidated pay or on a daily wage basis as that of the other persons, who have been regularised by virtue of the same Government Order.

6. However, neither G.O.(Ms).No.28, Rural Development and Panchayat (E7) Department dated 19.04.2012 nor G.O.(Ms).No.878, Rural Development Department dated 15.05.1981 are produced before this Court to show whether the orders have been issued to regularise the petitioner w.e.f. his initial engagement.

7. It is seen that the Block Development Officer of R.S. Mangalam Panchayat Union has addressed a letter to the District Collector on 03.11.2016 recommending to regularise the petitioner's services be regularised from 30.05.1990, which is his initial date of appointment.



However, the same has not been considered so far and no order has been passed till now.

8. Hence, it is for the 2nd respondent to pass orders on the recommendation made by the Block Development Officer by considering the earlier orders passed in respect of similarly placed persons by taking into account of the earlier judicial pronouncements applicable to the case of the petitioner and pass appropriate orders on its own merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is **disposed**. No costs.

04.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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Rural Development & Panchayat Raj Department,
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- 2.The Director of Rural Development &Panchayat,
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Saidapet, Chennai - 600 015.
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R.N.MANJULA, J.

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