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W.P.Nos.29725 and 29729 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM:

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

W.P.Nos.29725 and 29729 of 2022

W.P.No.29725 of 2022:-

1. P.Lakshmi
2. S.Pappukutty
3. R.Lakshmi
4. R.Sargunam
5. S.V.Gracy
6. P.Meenambal
7. V.Malarkodi

... Petitioners

Vs

1. The Secretary to Government,
Backward, Most Backward Classes
and Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.
2. The Director of Backward Classes Welfare,
Chepauk,
Chennai – 600 005.
3. The District Backward, Most Backward Classes
and Minorities Welfare Officer,
Erode District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceeding in Na.Ka.970/2020/Na2, dated



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12.03.2020 on the file of the third respondent and quash the same and consequently direct the respondents to regularize the service of the petitioners on completion of 5 years of service from the date of initial appointment as per G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare(CNAP) Department dated 07.03.2008.

For Petitioners : Mr.S.Panneer Selvam
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

W.P.No.29729 of 2022:-

J.Jayakumar

... Petitioner

Vs

1. The Secretary to Government,
Backward, Most Backward Classes
and Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.
2. The Director of Backward Classes Welfare,
Chepauk,
Chennai – 600 005.
3. The District Backward, Most Backward Classes
and Minorities Welfare Officer,
Tiruppur District.
4. The District Backward, Most Backward Classes
and Minorities Welfare Officer,
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceeding in Na.Ka.No.19311/2019/Ka2, dated 18.03.2020 on the file of the third respondent and quash the same and



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consequently direct the respondents to regularize the service of the petitioner on completion of 5 years of service from the date of initial appointment as per G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare Department dated 07.03.2008.

For Petitioner : Mr.S.Panneer Selvam
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

W.P.No.29725 of 2022 has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceeding in Na.Ka.970/2020/Na2, dated 12.03.2020 on the file of the third respondent and quash the same and consequently direct the respondents to regularize the service of the petitioners on completion of 5 years of service from the date of initial appointment as per G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare(CNAP) Department dated 07.03.2008.

2. W.P.No.29729 of 2022 has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceeding in Na.Ka.No.19311/2019/Ka2, dated 18.03.2020 on the file of the third respondent and quash the same and consequently direct the respondents to regularize the service of the petitioner on completion of 5 years of service from the date of initial appointment as per G.O.Ms.No.19 Backward, Most Backward



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Classes and Minorities Welfare Department dated 07.03.2008.

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3. Heard the learned counsel on either side and perused the materials available on record.

4. The petitioners are now working as Watchman/Servant at various Backward and Most Backward Classes Welfare Hostels in Erode District. Initially, they were appointed as Cooks/Assistant Cooks in Backward and Most Backward Classes Welfare Hostels in Erode District. By an order dated 02.03.2009, their services were regularized in the year 2007 in the post of Cook. Thereafter, Government passed another order in G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare (CNAP) Department dated 07.03.2008, thereby ordered that the services of the Cooks who are all appointed after 21.01.1981 should be regularized from the immediate next 1st April on completion of five years of service from the date of their initial appointment. Based on the Government Order, the Government regularized the services of 563 Cooks on completion of their five years of service from the date of their initial appointment. However, the petitioners' services were not regularized and as such, the petitioners made representations. However, the same was rejected by the order impugned in these writ petitions, on the ground that the petitioners



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were already regularized as per the Government Order in G.O.Ms.No.85, Backward, Most Backward Classes and Minorities Welfare Department dated 20.09.2007.

5. The third respondent filed counter and the learned Special Government Pleader appearing for the respondents submitted that already the petitioners' services were regularized as per G.O.Ms.No.85 Backward, Most Backward Classes and Minorities Welfare Department dated 20.09.2007. Once the petitioners availed the benefits under G.O.Ms.No.85 Backward, Most Backward Classes and Minorities Welfare Department dated 20.09.2007, they are not eligible to get any benefit by way of G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare(CNAP) Department dated 07.03.2008.

6. Similarly placed persons approached Madurai Bench of this Court in W.P.(MD)No.4208 of 2016 and this Court, by an order dated 09.12.2021 allowed the writ petition and directed to consider the similarly placed persons in the light of G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare(CNAP) Department dated 07.03.2008, within a period of twelve weeks. Accordingly, those persons' services were regularized within a period of five



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years from the date of their initial appointment. Pending writ petition, the case of the petitioners were also directed to be regularized, within a period of five years from the date of their initial appointment notionally by the District Backward, Most Backward Classes and Minorities Welfare Officer, Erode District. The said proposal is now pending with the second respondent in both the writ petitions.

7. In view of the above, the impugned orders cannot be sustained and are liable to be quashed. Accordingly, the impugned proceeding in Na.Ka.970/2020/Na2, dated 12.03.2020 on the file of the third respondent in W.P.No.29725 of 2022 and the Impugned proceeding in Na.Ka.No.19311/2019/Ka2, dated 18.03.2020 on the file of the third respondent in W.P.No.29729 of 2022, are hereby quashed.

8. The first and second respondents in both the writ petitions are directed to consider the case of the petitioners as per the proposal sent by the third respondent in W.P.No.29725 of 2022 dated 15.12.2022, in the light of G.O.Ms.No.19 Backward, Most Backward Classes and Minorities Welfare(CNAP) Department dated 07.03.2008 to regularize their service, within



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a period of five years from the date of their initial appointment, within a period
of six weeks from the date of receipt of a copy of this order.

9. With the above directions, these Writ Petitions stand allowed. No costs.

15.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Secretary to Government,
Backward, Most Backward Classes
and Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.
2. The Director of Backward Classes Welfare,
Chepauk,
Chennai – 600 005.
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