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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29458 of 2024

Dr.K.Kalpath

..Petitioner

Vs.

1. The State of Tamil Nadu Represented by
The Secretary to Government,
Animal Husbandry, Dairying, Fisheries
and Fishermen Welfare Department,
Secretariat, Fort St.George.
Chennai 600 009

2. The Director,
Directorate of Animal Husbandry and Veterinary Services,
Integrated Animal Husbandry and Fisheries Department Office Complex,
Veterinary Hospital Compound,
Nandanam, Chennai 600 035.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to regularize and count the continuous services of the petitioner as a Government Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service from



22.05.2012 till 23.04.2022, when employed temporarily under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules, along with his regular appointment from 23.04.2022 as Government Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry service, and grant all consequential service benefits, including but not limited to service seniority together with awarding of Dynamic Assured Career Progression (DACP), fixation of pay, leave, increments, pensionary benefits, eligibility to draw arrears and pass such further or other orders.

For Petitioner : Mr.L.Sivakumar
For Respondents : Mr.P.Balathandayutham
Special Government Pleader
[Education] for R1 and R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to regularize and count the services of the petitioner as a Government Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service from 22.05.2012 till 23.04.2022 along with his regular appointment to the service from 23.04.2022 as Government Veterinary Assistant Surgeon and grant all other consequential service benefits.

2. Heard Mr.L.Sivakumar, learned counsel for the petitioner and



Mr.P.Balathandayutham, learned Special Government Pleader [Education] for respondents 1 and 2.

3. The case of the petitioner is that he was employed as a Government Veterinary Assistant Surgeon at Veterinary Dispensary in Thirunelveli District. He was initially appointed temporarily under Rule 10(a) (1) of the Tamil Nadu State and Subordinate Service Rules, 2012 and later, regularized through the Tamil Nadu Public Service Commission's recruitment process in the year 2019. The present writ petition has been filed seeking for regularization of his temporary service from 2012 to 2022 by extending all the attendant benefits. The petitioner is relying upon the relevant Government Order specifically GO Ms.Nos.78 and 79 of 2011 dated 29.07.2011 and the subsequent Government Order in GO Ms.No.137 dated 14.11.2011. It is also seen from records that the appointment order has been issued by the 2nd respondent in favour of the petitioner on 12.04.2022. The petitioner made a representation in this regard and since the same did not evoke any response, the present writ petition has been filed before this Court.



4. Taking into consideration the facts and circumstances of the case and the materials that have been placed before this Court, there shall be a direction to the respondents to deal with the representation made by the petitioner on 30.05.2024 on its own merits and in accordance with law and in the light of relevant Government orders and a final order shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

14.10.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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To,

To

1. The State of Tamil Nadu Represented by
The Secretary to Government,
Animal Husbandry, Dairying, Fisheries
and Fishermen Welfare Department,
Secretariat, Fort St.George.
2. The Director,
Directorate of Animal Husbandry and Veterinary Services,
Integrated Animal Husbandry and Fisheries Department Office Complex,
Veterinary Hospital Compound,
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N. ANAND VENKATESH, J.

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