



WEB COPY



W.P.No.13624 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.13624 of 2020 and
W.M.P.No.16926 of 2020

G.Kannan

Vs.

Petitioner

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.10, Thambusamy Street, Head Office,
Kilpauk, Chennai - 600 010.
2. The Senior Regional Manager,
Chennai North Region-I, Gopalapuram,
Connansmith Road, No.7,
Tamil Nadu Civil Supplies Corporation Limited,
Chennai - 600 086.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to regularize the service of the petitioner from the date of joining i.e., 15.10.1985 to 30.04.2018 for 32 years.

For Petitioner : Ms.R.Saritha

For Respondents : Mr.C.Selvaraj



W.P.No.13624 of 2020

ORDER

This Writ Petition has been filed, seeking a direction to regularize the service of the petitioner from the date of joining i.e., 15.10.1985 to 30.04.2018 for 32 years.

2. Ms.Saritha, learned counsel for the petitioner submitted that the petitioner was appointed as a Watchman (Seasonal worker) on a temporary basis in the year 1985. However, the petitioner was regularised from the year 1997. Subsequently he was promoted to various levels and retired from service on 30.04.2018 as a Bill Clerk. The grievance of the petitioner is that though he joined service in the year 1985, he was regularized only from the year 1997. According to the petitioner, his entire service i.e, from 15.10.1985 to 30.04.2018 should be counted for the purpose of calculating Gratuity and other retirement benefits. Hence, the petitioner has preferred this Writ Petition.

3. Mr.C.Selvaraj, learned counsel for the Respondents submitted that the petitioner and his colleagues who were working as Seasonal Watchman in delta region as seasonal workers. It is a general practice adopted in the



W.P.No.13624 of 2020

case of seasonal watchmen that after the season is over, the service of the seasonal watchmen will be dispensed and during the next season depending upon the necessity, again they will be appointed temporarily. However, the seasonal watchmen made representation to the Government to regularise their services. Since they are seasonal workers and they could not work continuously, the Government could not regularise their services. However, it was agreed that in the matter of appointment on regular basis, preference should be given to all those persons who were working as seasonal Watchmen. Accordingly, the petitioner was appointed as a Packer on 05.12.1997 under regular time scale of pay and his services have been regularised from the date of his appointment i.e., on 05.12.1997. Hence, the learned counsel prayed for dismissal of the Writ Petition.

4. Admittedly, the petitioner was employed as a packer on regular basis only on 05.12.1997 and thereafter he was in continuous service under the time scale of pay. Hence, the respondents thought it fit for counting the service for the purpose of pension and other retirement benefits from 05.12.1997 and not from any time earlier. The petitioner is not entitled to



W.P.No.13624 of 2020

claim regularisation of the period from 1985 to 1997. In fact by accepting the terms and conditions of the appointment order, dated 05.12.1997, the petitioner joined service as a packer, by getting relieved from the earlier post i.e., seasonal watchman.

5. The petitioner has now come out with this Writ petition as an after thought, subsequent to his retirement, to include the period during which he was working on temporary basis. He did not raise any dispute in this regard earlier. He quietly accepted the appointment in the year 1997 and now claims regularization for the period from 1985 to 1997, which is untenable. Hence, he is not eligible to claim retirement benefits by including the said period.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

To:



W.P.No.13624 of 2020

WEB COPY

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.10, Thambusamy Street, Head Office,
Kilpauk, Chennai - 600 010.
2. The Senior Regional Manager,
Chennai North Region-I, Gopalapuram,
Connansmith Road, No.7,
Tamil Nadu Civil Supplies Corporation Limited,
Chennai - 600 086.

R.N.MANJULA ,J.



WEB COPY



W.P.No.13624 of 2020

vum

W.P. No.13624 of 2020 and
W.M.P.No.16926 of 2020

03.01.2024