



W.P.No.642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

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

W.P.No.642 of 2024
and W.M.P.No.654 of 2024

P.Kamalakannan

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by the Agricultural Production Commissioner and
Principal Secretary to Government,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Agriculture,
Office of the Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.

3.The Additional Director of Agriculture (Personnel Management),
Office of the Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.

4.The Joint Director of Agriculture,
Thiruvannamalai,
Thiruvannamalai District - 606 604.

...Respondents



W.P.No.642 of 2024

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to regularize the petitioner's service from the date when immediate junior or counterpart was regularized based on petitioner's representation dated 15.11.2023.

For Petitioner : Mr.V.L.Akshai Sajin Kumar

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents herein to regularize the petitioner's service from the date when immediate junior or counterpart was regularized based on petitioner's representation dated 15.11.2023.

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

3. The petitioner was engaged as a Part Time Sweeper, on daily wage basis at the fourth respondent's department. The Government passed an order in G.O.Ms.No.385 dated 01.10.2010 for regularization of service and to fix special



W.P.No.642 of 2024

time scale of pay to temporary sweepers in the Government Offices and Local Bodies. Therefore, the petitioner made a representation. However, the case of the petitioner was rejected and it was challenged before this Court in W.P.No.23676 of 2011. This Court by an order dated 20.08.2014 quashed the rejected order and directed to fix the Special Time Scale of Pay, so as to ensure the petitioner's regularization as per G.O.Ms.No.385, Finance (Salaries) Department dated 01.10.2010. Accordingly, the petitioner was regularized from 31.08.2015. Now, the petitioner sought for his regularization from the date of his juniors who were regularized earlier to the petitioner.

4. That apart, a perusal of the writ appeal Judgment passed by the Hon'ble Division Bench of this Court in W.A.No.1620 of 2017 dated 13.07.2021 revealed that a Government Order was passed and accordingly, the petitioner was regularized from 31.08.2015. Thereafter, the petitioner had joined in the office of the Directorate of Agriculture as Sweeper and he has been paid salary.

5. In view of the above, the request made by the petitioner cannot be considered and this writ petition is devoid of merits and is liable to be dismissed.



W.P.No.642 of 2024

WEB COPY

6. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

11.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

mn



WEB COPY



W.P.No.642 of 2024

To

- 1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Agriculture,
Office of the Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.
- 3.The Additional Director of Agriculture(Personnel Management),
Office of the Commissioner of Agriculture,
Chepauk,
Chennai - 600 005.
- 4.The Joint Director of Agriculture,
Thiruvannamalai,
Thiruvannamalai District - 606 604.



WEB COPY



W.P.No.642 of 2024

G.K.ILANTHIRAIYAN. J.

mn

W.P.No.642 of 2024

11.01.2024