



W.P.(MD).No.6890 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6890 of 2024

S.Paramasivan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj,
Secretariat, Chennai.
2. The Director,
Rural Development and Panchayat Raj,
Panagal Building, Chennai.
3. The District Collector,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No. 7/23146/2020, dated 23.07.2021 and quash the same and direct the respondents to regularize the service of the petitioner from the date of appointment i.e. from 01.04.1991 with all consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner has filed this writ petition challenging the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No. 7/23146/2020, dated 23.07.2021 and direct the respondents to regularize the service of the petitioner from the date of appointment i.e. from 01.04.1991 with all consequential benefits.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

3.The petitioner, who got regularization pursuant to G.O.Ms. No. 76, Rural Development and Panchayat Raj Department, dated 01.07.2016, claimed that he is entitled to get his service regularized from the date of completion of 10 years of service, from the date of joining, ie., 01.04.1991.



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4.The learned counsel for the petitioner submitted that the third respondent sent recommendation letter for regularizing the service of the petitioner from the date of completion of 10 years of service as on 01.04.2001. However, the first respondent passed an order of regularization only with effect from 21.07.2016.

5.The learned Special Government Pleader appearing for the respondents submitted that the petitioner can claim regularization only from the date on which G.O. has been passed, not any time earlier. G.O.Ms. No. 76, dated 01.07.2016, has given benefit of regularization of 5 persons in the post of Office Assistants, which is inclusive of the petitioner, who is in serial No.5; in the said annexure, the petitioner's date of joining was mentioned as 01.04.1991 and the date of completion of 10 years of service was mentioned as 31.03.2001; in the absence of only bar in the aforesaid G.O., the petitioner's service has to be regularized from the date of issuance of G.O.Ms. No.76, dated 01.07.2016, and the petitioner's service ought not to be regularized from the date of completion of 10 years of service.



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6. In fact, one of the conditions for regularization is completion of 10 years of service. If the petitioner's regularization is to take effect in the year 2015, the petitioner's date of joining ought to have been somewhere in the year 2006. In fact, G.O.Ms. No. 76 has been issued similar persons, who have completed 10 years of service, to absorb them in other departments.

7. In earlier G.O.Ms. No. 22, Personal and Administrative Reforms Department, dated 28.02.2006, the cut-off date to compute 10 years of service is fixed as 01.01.2006. In the impugned order, it is stated that the petitioner cannot come under the benefit of G.O.Ms. No. 22 because the petitioner is governed under G.O.Ms. No. 76, dated 01.07.2016. Even G.O.Ms. No. 76, dated 01.07.2016, does not specifically state that the regularization date should be done from the date of issuance of G.O., not from completion of 10 years of service. Therefore, the respondents cannot supply something, which is not stated in the G.O. and rejected to regularize the petitioner from the date of completion of 10 years of service, but passed an order of regularization with effect from 21.07.2016. Hence, the impugned order is liable to be set aside so far, it relates to the date of regularization.



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8.In view of the same, I hereby set aside the impugned order, dated 23.07.2021 only in respect of date of giving effect to the regularization of the petitioner, i.e., from 21.07.2016 and the respondents are directed to re-fix the order of regularization of the petitioner's service with effect from 01.04.2001, within a period of six (6) weeks from the date of receipt of copy of this order.

9.In the above terms, this writ petition stands allowed. There shall be no order as to costs.

05.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Secretary, State of Tamil Nadu,
Rural Development and Panchayat Raj,
Secretariat, Chennai.
2. The Director,
Rural Development and Panchayat Raj,
Panagal Building, Chennai.
3. The District Collector,
Tirunelveli District.



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R.N.MANJULA, J.

PNM

ORDER IN
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