



W.P.(MD).Nos.18866 to 18876 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.18866 to 18876 of 2021

A.Ayyappan	... Petitioner (In W.P(MD)No.18866/2021)
A.Thirumal	... Petitioner (In W.P(MD)No.18867/2021)
K.Govindammal	... Petitioner (In W.P(MD)No.18868/2021)
K.Gurusamy	... Petitioner (In W.P(MD)No.18869/2021)
R.Muthusamy	... Petitioner (In W.P(MD)No.18870/2021)
M.Ponnusamy	... Petitioner (In W.P(MD)No.18871/2021)
R.Gopalakrishnan	... Petitioner (In W.P(MD)No.18872/2021)
S.Mari	... Petitioner (In W.P(MD)No.18873/2021)
R.Malayaman	... Petitioner (In W.P(MD)No.18874/2021)



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K.Thinamani

... Petitioner
(In W.P(MD)No.18875/2021)

C.Madasamy

... Petitioner
(In W.P(MD)No.18876/2021)

Vs.

1.The Secretary to Government,
Backward Class & Most Backward Classes,
Secretariat, Chennai-09.

2.The Commissioner,
Backward Class & Most Backward Classes,
Chepauk, Chennai-05.

3.The District Backward Class, Most Backward Classes
& Minority Welfare Officer,
Ramanathapuram District.

... Respondents
(In all cases)

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to regularize the petitioner's service from the date of his / her initial appointment and grant all consequential service and monetarily benefits on the basis of the petitioner's representation, dated 24.06.2021.

For Petitioners : Mr.G.Thiruvartselvan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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COMMON ORDER

The present writ petitions have been filed for a Mandamus seeking a direction to the respondents to regularize the petitioner's service from the date of his initial appointment and grant all consequential service and monetary benefits on the basis of the petitioner's representation, dated 24.06.2021.

2. The petitioners were appointed as Assistant Cooks in the Government Backward Class Hostels in various places on consolidated pay basis by the proceedings of the 3rd respondent. Similarly placed persons who were also appointed as Assistant Cooks like the petitioners, especially one Kalaiselvi was regularized by the 3rd respondent by proceedings, dated 08.08.2001 with effect from 01.07.1998. However, the services of the petitioners was not regularized in similar lines. Later, the petitioners' service came to be regularized by the 3rd respondent by proceedings, dated 25.01.2007 without any retrospective effect that is, from their date of appointment, but from 25.01.2007. In view of the same, the petitioners made several representations to the respondents and the last of which was made on 24.06.2021 to regularize their services from the date of their original appointment. Since the same was not considered, these writ petitions came to be filed.



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3. The learned counsel for the petitioners relied upon the order passed by this Court in W.P(MD)No.4208 of 2016, dated 09.12.2021 and pressed for allowing the writ petitions. The operative portion of the aforesaid order is extracted hereunder:

“3. The petitioners relied on Government Order passed in G.O.Ms.No.19 of Backward Class and Most Backward Class and Minorities Welfare (CNAP) Department, dated 07.03.2008. The petitioners submitted that they are similarly placed persons and the respondents have not considered the case of the petitioners. Therefore, this Court is of the opinion that the matter can be remitted back to the Government to consider in the light of the said Government Order. Therefore, this Court is directing the Secretary to Government, Backward Classes Welfare, Nutritious Meal Programme Department to consider the claim of the petitioners in the light of G.O.Ms.No.19 of Backward Class and Most Backward Class and Minorities Welfare (CNAP) Department, dated 07.03.2008. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.”

4. The learned Special Government Pleader submitted that the petitioners' representations could not be considered without going into the aspect of various



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categories involved in the posts sought for and pressed for dismissal of the writ petitions.

5. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents and perused the material on record.

6. It has been pointed out by this Court in the aforesaid order that the petitioners have sought for regularization with effect from their date of appointment only relying on the Government Order passed in G.O.Ms.No.19 of Backward Class and Most Backward Class and Minorities Welfare (CNAP) Department, dated 07.03.2008.

7. Considering the fact that the petitioners are similarly placed persons, this Court hereby directs the respondents to consider the petitioners' representations, dated 24.06.2021 and pass appropriate orders in the light of G.O.Ms.No.19 of Backward Class and Most Backward Class and Minorities Welfare (CNAP) Department, dated 07.03.2008 within a period of twelve (12) weeks from the date of receipt of copy of this order.



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8. With the above direction, all the writ petitions stand disposed of. No costs.

10.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Secretary to Government,
Backward Class & Most Backward Classes,
Secretariat, Chennai-09.
- 2.The Commissioner,
Backward Class & Most Backward Classes,
Chepauk, Chennai-05.
- 3.The District Backward Class, Most Backward Classes
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L.VICTORIA GOWRI, J.

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