



W.P(MD)No.21168 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.21168 of 2022

M.Balamurugan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Backward Classes / Most Backward Classes /
Minorities and De-notified Welfare Department,
Secretariat,
Chennai-9.

2.The Director of Most Backward Classes
and De-notified Welfare Ezhilagam,
Chepauk,
Chennai-05.

3.The Joint Director,
Kallar Reclamation,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service as cook with retrospective effect in the light of the G.O(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 with all attendants benefits by considering the representations of



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the petitioner, dated 16.12.2019 and 07.02.2022 and pass such further or other orders as this Court.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

This writ petition has been filed seeking for a Mandamus to the respondents to regularize the petitioner's service as Cook with retrospective effect in the light of the G.O(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 with all attendants benefits by considering the representations of the petitioner, dated 16.12.2019 and 07.02.2022.

2. The case of the petitioner is that he was appointed as Cook Helper through employment seniority by virtue of proceedings of third respondent herein, dated 01.09.1999 on consolidated pay of Rs.500/- per month in the vacant post and joined duty at Government Boys Hostel-BC, Melavalavu, Madurai. At present, he is working as a Jeep Driver in the office of Joint Director, Kallar Reclamation, Madurai District. The persons, who are appointed way back in the year 1997-1998 have not been paid equal salary on par with



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their juniors. Taking into account the grievance of the Cooks, who are appointed earlier, the respondent Government issued order in G.O(Ms)No.85 Backward Classes / Most Backward Classes and Minorities Welfare Department, dated 20.09.2007 taking a policy decision to hike the salary of Cooks, who are appointed as early as in the year 1997-1998 in the pay scale of Rs.2550-55-2660-60-3200.

3. Thereafter, pursuant to the Government order, the petitioner was brought under time scale of pay vide proceedings of third respondent, dated 31.01.2008 with effect from 20.09.2007 and his service were also regularised with effect from the date on which his pay was fixed. If the respondents have regularised his service with effect from the date of initial appointment, his pensionary benefits would not have been affected. Since the service was not regularised from the date of appointment or in terms of G.O(Ms)No.19, dated 07.03.2008 but from 20.09.2007 after lapse of eight years from the date of initial appointment, the petitioner put to hardship and irreparable loss.

4. The Government issued G.O(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 stating that the service of Cooks, who



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have been appointed after 31.03.1982 can be regularised retrospectively on completion of five years of service. Since the petitioner was appointed in the year 1999 on consolidated pay and his service has been regularised not from the date of initial appointment or on the completion of five years of service in terms of the above said G.O but only from 20.09.2007 that too after lapse of eight years. The petitioner has also made a representation to the respondents on 16.12.2019 requesting them to fix time scale of pay and regularize his service with retrospective effect as in the case of other similarly placed persons.

5. The learned Counsel appearing for the petitioner submits that the benefits of G.O(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 was not extended to the petitioner on par with the similarly placed persons. Hence, he has come forward with the present writ petition.

6. The counter affidavit was filed by the third respondent in October 2024. As per the counter affidavit filed by the third respondent, the relevant portion is reads as follows:

"6. It is submitted that other similarly placed persons have filed batch of writ petition before this Court challenging



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the rejection order and in which, this Court has allowed writ petition by directing the respondents to extend the benefits of G.O(Ms)No.19. In pursuance of the same, the first respondent has issued a direction vide his letter, dated 25.11.2021 instructing the department to extend the benefits of G.O(Ms)No. 19, dated 07.03.2008 to the writ petitioners there in and consequent to letter, dated 25.11.2021 of the first respondent, the second respondent herein also issued a direction to our office to extend the benefits of aforesaid G.O. In compliance with the direction of first and second respondents, our office / has issued proceedings vide செ.மு.எண்.பிந.2/14074/2020, dated 28.03.2022, giving retrospective regularization to the similarly placed persons in terms of G.O(Ms)No.19. In the same line, the request of the writ petitioner will be considered and appropriate order would be passed. Since the petitioner has rushed to this Court even before considering his request, appropriate orders could not be passed pending writ petition."

7. The learned Government Advocate appearing for the respondents further submitted that the case of the petitioner will be considered by the third respondent and appropriate orders will be passed within a time stipulated by this Court.



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8. In view of the above submission made by the learned Government Advocate appearing for the respondents, the third respondent is directed to regularize the petitioner's service as Cook with retrospective effect in the light of G.O(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 on par with other similarly placed person with all attendant benefits within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. The writ petition stands disposed of with the above observations and directions. There shall be no order as to costs.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Principal Secretary to Government,
Backward Classes / Most Backward Classes /
Minorities and De-notified Welfare Department,
Secretariat,
Chennai-9.



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