



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.10.2024

PRONOUNCED ON : 15.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.21466 to 21476 of 2023

and

W.M.P(MD)Nos.1319, 1320, 1387, 1401, 1403, 1419 & 1421 of 2024

W.P.(MD)No.21466 of 2023

N.Mariyappan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

* * * * *

W.P.(MD)No.21467 of 2023

P.Khani ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21468 of 2023

Valliyammal

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21469 of 2023

P.Oorkalapothi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Thenkasi District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Thenkasi District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21470 of 2023

M.Muniyasamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21471 of 2023

Saraswathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21472 of 2023

N.Sangili

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Thenkasi District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Thenkasi District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21473 of 2023

A.P.Issakimuthu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



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For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

* * * * *

W.P.(MD)No.21474 of 2023

K.Chellappa

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

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Thenkasi District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Thenkasi District.

...Respondents



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For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21475 of 2023

R.Bharatha Selvi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Thenkasi District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Thenkasi District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 18.11.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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W.P.(MD)No.21476 of 2023

Rani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.

3.The District Collector,
Tirunelveli, Tirunelveli District.

4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to fix the regular time scale of pay of Rs.4,800 - 10,000/- with a Grade pay of Rs.1,300/- as per the G.O.Ms.121, dated 07.12.2012 Adi Dravidar and Tribal Welfare Department (Adi.Na.4) which is applicable to the petitioner for the period of service from 25.02.2011 to 09.07.2015 as regular time scale of pay and the arrears of the salary be paid in accordance with law.

For Petitioner : M/s.S.Mahalakshmi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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COMMON ORDER

The instant writ petitions have been filed by the Cooks working in the Government Adi Dravidar Welfare Hostel, seeking a mandamus to issue a direction to the respondents to fix the regular time scale of pay of Rs.4,800/-Rs.10,000/- with a Grade Pay of Rs.1300/-, as per G.O.Ms.No.121, dated 17.12.2012, Adi Dravidar and Tribal Welfare Department(Adi.Na.4) from the initial date of appointment, till the date of regularisation on 09.07.2015/18.11.2015.

2.The petitioners in all the writ petitions were appointed by the fourth respondent on 23.02.2011 as Cook in Government Adi Dravidar Welfare



Hostels on consolidated pay. The service of some of the petitioners were regularised w.e.f.09.07.2015 and the others were regularised w.e.f.18.11.2015 and all of them were brought under time scale of pay with effect from the date of the said order.

3.The petitioners herein relying upon G.O.Ms.No.25, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 25.02.2011 and G.O.Ms.No.121, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 07.12.2012 have sent several representation to the authorities, seeking to regularise their services with effect from the date of their initial appointment, viz., 23.02.2011 and to bring them under time scale from the said date. Since the representations were not considered, the petitioners have filed individual writ petitions before this Court, seeking the benefits under G.O.Ms.No.25, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 25.02.2011. Those writ petitions were disposed of with a direction to the authorities to dispose of the representations within a period of six weeks.

4.On 31.07.2019, the fourth respondent herein has passed an order rejecting the request of all the writ petitioners. Challenging the same, the petitioners have filed W.P.(MD)No.2440 of 2020, this Court by an order, dated 06.12.2022 without interfering with the order of the fourth respondent, had



directed the Director of Adi Dravidar and Tribal Welfare Department, Chepauk, Chennai to consider the representations and pass appropriate orders on merits and in accordance with law. Thereafter, the second respondent has not passed any orders. Hence, the present writ petitions have been filed seeking a mandamus.

5. According to the learned Counsel appearing for the writ petitioners, under G.O.Ms.No.25, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 25.02.2011, the services of all the cooks appointed in the Adi Dravidar Welfare Hostels were regularised. Therefore, the petitioners, being similarly placed, are also eligible for the said benefits and they should have been regularised with effect from the date of their initial appointment. The learned counsel appearing for the writ petitioners also relying upon G.O.Ms.No.121, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 07.12.2012 had contended that 26 watchmen, who were working on consolidated pay, have been regularised under the said Government Order and therefore, the petitioners are also eligible for the said benefits.

6. The learned Counsel appearing for the writ petitioners had also relied upon the proceedings of the second respondent, dated 24.05.2011, wherein an instruction has been issued to the District Adi Dravidar and Tribal Welfare



Officer to send proposals to regularise the services of the cooks who were working on consolidated pay. The learned Counsel appearing for the writ petitioners had also relied upon the proposals forwarded by the fourth respondent to the second respondent on 28.09.2011, for such regularisation. The learned Counsel appearing for the writ petitioners had further relied upon the recommendation made by the fourth respondent to the second respondent on 22.01.2013. Hence, he prayed for allowing the writ petitions.

7.The learned Special Government Pleader appearing for the respondents had contended that initially, the petitioners were appointed in non-sanctioned posts. G.O.Ms.No.25, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 25.02.2011 is restricted to 330 cooks alone and it is not applicable to the writ petitioners. He further contended that G.O.Ms.No.121, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 07.12.2012 relates to regularisation of 26 watchmen and therefore, the said Government order is also not applicable to the writ petitioners. He further contended that the order of regularisation issued to the writ petitioners specifically pointed out that the regularisation is w.e.f.01.04.2015. Without challenging the said proceedings, the instant writ petitions are not maintainable. Hence, he prayed for dismissal of the writ petitions.



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8.I have carefully considered the submission made on either side and perused the materials available on records.

9.All the petitioners were appointed on consolidated pay on 23.02.2011 and their services were regularised by two proceedings, dated 09.07.2015/18.11.2015, w.e.f.01.04.2015. These facts are not in dispute.

10.A perusal of the G.O.Ms.No.25, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 25.02.2011 reveals that it is restricted to 330 cooks, who were already employed in the said department. That apart, the petitioners were appointed just 2 days prior to the said Government order and therefore, the petitioners are not entitled to the benefits of the said Government order.

11.A perusal of the G.O.Ms.No.121, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 07.12.2012 reveals that, it relates to regularisation of services of the 26 watchmen and it has nothing to do with the petitioners herein. Therefore, the prayer of the writ petitioners in the present writ petitions, relying upon G.O.Ms.No.121, Adi Dravidar and Tribal Welfare(Adi.Na.4) Department, dated 07.12.2012, is not legally sustainable.



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12.The learned Counsel appearing for the writ petitioner has relied upon several recommendations made by the fourth respondent herein to the second respondent for regularisation of the services of the writ petitioners. It is to be noted that all these recommendation is of the year 2011 and pursuant to these recommendations, already the petitioners have been regularised by way of proceedings, dated 09.07.2015/18.07.2015, w.e.f.01.04.2015. Therefore, reliance placed by the learned Counsel appearing for the writ petitioners on the above said recommendations will not be of any use to the writ petitioners.

13.A perusal of the regularisation order, dated 09.07.2015/18.07.2015 clearly reveals that the regularisation takes effect from 01.04.2015. The petitioners have accepted the said regularisation order and they have started sending representations without challenging the said order. In fact, an order was passed on 31.07.2019 by the fourth respondent, rejecting the request of the writ petitioners for regularisation from their initial date of appointment. This Court had refused to interfere in the said rejection order, but has only directed the authorities to consider the representation.

14.Considering the fact that the petitioners are seeking regularisation from the date of initial appointment, without challenging the order of



regularisation, which fixes the date of commencement of regularisation, the instant writ petitions are not maintainable. The petitioners are not able to lay their hands on any Government order, which proposes to regularise the services of the writ petitioners from the date of their initial appointment. The petitioners having been appointed in a non-sanctioned post without following the recruitment process, the petitioners cannot demand regularisation from the date of their initial appointment, as a matter of right.

15. In view of the above said deliberations, there are no merits in these writ petitions. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

15.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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To

- 1.The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 5.
- 3.The District Collector,
Tirunelveli, Tirunelveli District.
- 4.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Tirunelveli District.
- 5.The District Collector,
Thenkasi District.
- 6.The District Adi Dravidar and Tribal Welfare Officer,
District Collector Office,
Thenkasi District.



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R.VIJAYAKUMAR, J.

RJR

Pre-delivery order
made in
W.P(MD)Nos.21466 to 21476 of 2023

15.10.2024