



W.A.No.215 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

WEB COPY

DATED: 26.03.2025

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR  
and  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.No.215 of 2023

and

C.M.P.No.2190 of 2023

1.The State of Tamilnadu  
Rep., by its Secretary to Government, Animal Husbandry,  
Dairying and Fisheries Department,  
Fort St.George, Chennai – 600 009.

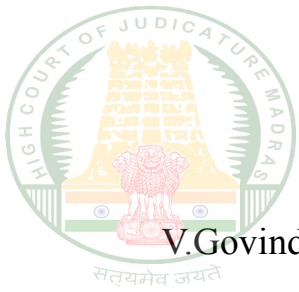
2.The Commissioner and Director,  
Animal Husbandry and Veterinary Services,  
DMS Building, Chennai – 600 006.

3.The Regional Joint Director,  
Animal Husbandry Department,  
V.O.C.Nagar, Thanjavur.

4.The Deputy Director,  
District Live Stock Farm,  
Orathandu and Taluk,  
Thanjavur District.

... Appellants

Vs.



V.Govindarajan



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... Respondent

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**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P. No.24671 of 2008 dated 26.07.2021.

For Appellants : Mr. R. Neelakandan, AAG assisted by  
Mr. R. Kumaravel, AGP.

For Respondent : Mr. S. Gunasekaran.

### **J U D G M E N T**

(Delivered by Dr. A.D. Maria Clete, J)

This Writ Appeal is filed by the Government of Tamil Nadu Animal Husbandry and Veterinary officials, challenging the order dated 26.07.2021 passed by the learned Single Judge in W.P. No. 24671 of 2008.

2. The respondent was engaged as a casual labourer in the year 1989 in the office of the fourth respondent and continued until 15.12.1997, when he was denied further employment. He made representations seeking reinstatement, but the third respondent, by communication dated 20.05.1998, rejected the request citing the ban imposed under G.O.Ms.No.116, dated 07.05.1997. The second



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respondent also denied reinstatement, stating that, due to a break in service exceeding 90 days, there was no provision for re-employment.

3. Aggrieved thereby, the respondent approached the Tamil Nadu Administrative Tribunal by filing O.A. No. 2180 of 2000, seeking reinstatement. The Tribunal, by order dated 18.04.2000, directed that the respondent be given preference in the event of any future engagement of casual or temporary labourers. However, despite the ban being lifted and the issuance of G.O.Ms.No.64 dated 03.05.2007, which sanctioned filling up of 1317 posts, the appellants failed to consider the respondent's case, contending that he had not completed 10 years of service.

4. The respondent submitted further representations for compliance with the Tribunal's order. In response, the second appellant, by letter dated 09.09.2008, declined to implement the Tribunal's direction, asserting that the respondent was only an "additional casual labourer" and had failed to report for duty after 15.12.1997. Consequently, the respondent filed the writ petition, which was



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allowed by the learned Single Judge. The present Writ Appeal challenges that order.

5. It is pertinent to note that in a similarly placed matter in W.P. No. 42212 of 2006, this Court, by order dated 22.10.2010, directed the reinstatement and regularisation of the petitioner therein. The appeal filed by the Department was dismissed, and the Government implemented the said order through G.O.Ms.No.40 dated 08.02.2013.

6. The short question that arises for consideration is whether there was any valid justification for the appellants in not complying with the order of the Tribunal dated 18.04.2000 in O.A. No. 2180 of 2000.

7. Admittedly, the respondent had rendered eight years of service as a casual labourer under the fourth appellant when he was abruptly discontinued. The communication from the third respondent dated 20.05.1998 refers to the ban under G.O.Ms.No.116, while the second appellant, in his reply dated 28.09.1998, cited the break in service to deny reinstatement. Despite the Tribunal's specific direction



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to accord preference to the respondent, and the availability of posts subsequently, the appellants continued to rely on pre-Tribunal circumstances to justify their inaction.

8. The order of the Tribunal was not challenged and therefore attained finality. The stand taken by the appellants amounts to a clear violation of a binding judicial direction. The denial of employment, based on grounds already considered and rejected by the Tribunal, is not sustainable. The explanation that the respondent did not turn up for duty is wholly untenable, as it is evident that his services were unjustly discontinued.

9. It is disheartening that a poor workman has been driven from pillar to post for over two decades to secure his rightful livelihood, with the State taking a hyper-technical and unsympathetic stance.

10. The conduct of the appellants in disregarding the binding order passed by the Tribunal on 18.04.2000 is wholly unjustified. Once an order of the Tribunal attains finality, the Government is duty-bound to implement it. The continued



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defiance by the appellants undermines judicial authority. Such disregard of lawful directions is impermissible, particularly when it affects the livelihood of an individual who has already been kept out of employment for over two decades.

11. In the light of the above discussion, we find no reason to interfere with the well-considered order of the learned Single Judge. The appellants are directed to provide an employment to the respondent and regularize his service as ordered by the writ court within a period of thirty days from the date of receipt of copy of this Judgment. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K., J) (A.D.M.C., J)

26.03.2025

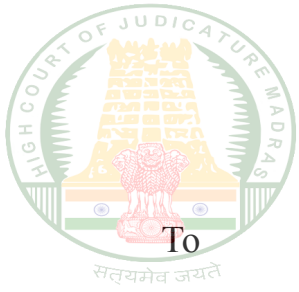
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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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Animal Husbandry, Dairying and Fisheries Department,  
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- 5.The Section Officer,  
VR Section,  
High Court of Madras,  
Chennai.



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**R.SURESH KUMAR, J**  
**and**  
**DR. A.D. MARIA CLETE, J**

*ay*

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