



WEB COPY



WP.No.7557 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.7557 of 2019

B.Mahesh
S/o.balasubramanian Office Assistant
O/o. Regional Joint Director Of Treasury And
Accounts Coimbatore. ... Petitioner

Vs.

1 The Secretary To Government
Finance (treasury And Accounts)
Chennai-9

2 The Director Of Treasury And
Accounts Teynampet,
Chennai - 6.

3 The District Treasury Officer,
Coimbatore. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to regularise the service of the petitioner in the cadre of Night Watchman / Masalji by bringing the petitioner into regular time scale of pay retrospectively from 08/04/1992 instead of 29/01/2014 or in the alternate regularise his services on completion of 10 years of



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service and grant him all consequential service and monetary benefits and grant such other further relief as this Honorable Court may deem fit in the circumstances of the case.

For Petitioner : Mr.K.Santhosh Kumar for
M/S.M.Muthappan.

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

The petitioner has filed this petition under a writ of mandamus, seeking a direction against the respondents to regularize his services in the cadre of Night Watchman by placing him on the regular time scale of pay retrospectively from 08.04.1992 instead of 29.01.2014, or, in the alternative, to regularize his services upon completing 10 years of service and to grant all consequential and monetary benefits.

2.Heard, K.Santhosh Kumar, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for respondents 1 to 3 and perused the materials available on record.



3. The petitioner was appointed as a Night Watchman on 08.04.1992 through sponsorship by the Employment Exchange in the office of the Sub-Treasury, Mettupalayam. However, he was considered a daily wager. Later, his services were brought under the regular time scale of pay by the proceedings of the District Treasury Officer, Coimbatore, dated 29.11.2004. He was also granted a selection grade upon completing 10 years of service.

3.1. Now, the petitioner claims that the post to which he was initially appointed in 1992 was a regular post and not a temporary one. Since he had served in the post for more than 10 years, he ought to have been regularized in 2002 itself. Had that been the case, he would have been covered under the old pension scheme. The petitioner has made several representations requesting the regularization of his service at the earliest possible time. However, since his regularization was given effect only from 2004, he has been placed under the contributory pension scheme.

4. It is submitted by Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents 1 to 3 that the petitioner has not served in the regular post and the time scale post in which he was serving got expired on 22.04.2003 in terms of the government order made in G.O.Ms.No.210, P& AR.. dated



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21.10.1995 Hence the claim of the petitioner is untenable.

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5. However, the petitioner's representations have not been considered by the respondents, and no order has been passed in the matter on merits till now. Whatever may be the case, the respondents 1 to 3 are directed to consider the petitioner's representation and pass orders on merits within a period of four weeks from the date of receipt of a copy of this order.

In view of the above direction, the Writ Petition is **disposed**. No costs. Consequently, the connected Miscellaneous Petitions if any is closed.

14.02.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

- 1 The Secretary To Government
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Chennai-9
- 2 The Director Of Treasury And
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Chennai - 6.
- 3 The District Treasury Officer,
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R.N.MANJULA, J.
jrs

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