



WEB COPY

WP No. 13795 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 13795 of 2019

1. D.Thambidurai
S/o.N.Dharmabalan, No.8/15, Vyasar
Street, Kumbakonam - 612 001

Petitioner(s)

Vs.

1. The Secretary to Government,
Tourism, Tamil Development, Arts and
Culture Development, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Arts and
Culture,
Greenways Road, Chennai - 600 028.

3.The Principal,
Government College of Fine Arts,
Kumbakonam,

Respondent(s)

PRAYER: Writ petition is filed under Article 226 of the Constitution of India
for issuance of a Writ of Certiorarified mandamus to quash the order rejecting



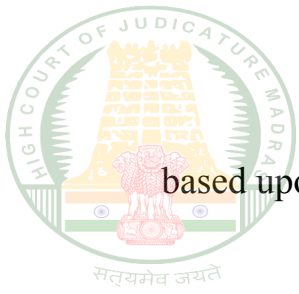
the request of the petitioner seeking regularization of his employment as made in Letter No.5488/P.N.1-1/ 2014-3 dated 07.08.2014 by the first respondent dated 07.08.2014 and the consequential order Na.Ka.No.5040/AA 3/2012 dated 04.09.2014 passed by the 2nd respondent, to reconsider the request of the petitioner based upon the G.O.(Ms) No.62, Tourism, Culture and Endowments (AN-4) Department, dated 18.02.2015 and consequently directing the 2nd respondent to reinstate the petitioner in the post of Instructor, Government College of Fine Arts based on based upon the representation of the petitioner dated 06.01.2017.

For Petitioner(s): M/s.T.Shanmugam

For Respondent(s): Mr.R.Neelakandan
Additional Advocate General
assisted by
Mr.A.M.Ayyadurai
Government Advocate

ORDER

This Writ Petition has been filed to call for the records of the first respondent's Letter No.5488/P.N.1-1/ 2014-3 dated 07.08.2014 and the consequential order passed by the 2nd respondent in Na.Ka.No.5040/AA 3/2012 dated 04.09.2014, to reconsider the request of the petitioner based upon the G.O.(Ms) No.62, Tourism, Culture and Endowments (AN-4) Department, dated 18.02.2015 and consequently direct the 2nd respondent to reinstate the petitioner in the post of Instructor, Government College of Fine Arts based on



based upon the representation of the petitioner dated 06.01.2017.

WEB COPY

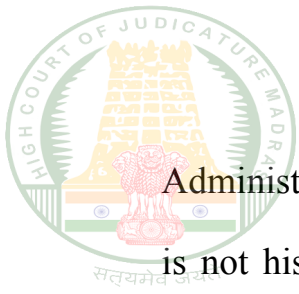
2. The petitioner has completed his Bachelors degree in Fine Arts from Bharadhidhasan University. He joined the third respondent college on temporary basis on 11.08.2000 and got his extension periodically. He was working in that manner continuously till the year 2011. The petitioner made a representation to the respondents to regularize his service which evoked no response. So he filed a writ petition in W.P.No.26252 of 2011 for seeking direction against the first and second respondents to regularize his service in the post of Instructor in the Visual Communication Department. On 04.10.2010, the second respondent has recommended the petitioner's name to the first respondent to regularize him. But that was not considered and thereafter, the petitioner was ousted from service.

3. In the order dated 18.10.2015 in W.P.No.26252/2011 the Court has given liberty to the petitioner to give a fresh representation and direction to the second respondent to consider the same by forwarding it to the first respondent and on receipt of the same the first respondent shall take decision. In fact in the orders of the Court, it has been observed that the petitioner who was engaged as a part time Instructor, was relieved just because he approached the Court. It is also taken note that the petitioner have completed 10 years of service in compliance of one of the conditions made in G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department dated 28.02.2006.



4. Mr.R.Neelakandan, the learned Additional Advocate General appearing for the respondents, submitted that for the petitioner's case G.O.Ms.No.22 Personnel Administration (F) Department dated 28.02.2006, has got no application. The Government has issued an order under G.O.Ms.No.62 Tourism, Culture and Endowments (AN-4) Department dated 18.02.2015 and that is only applicable to the workers of daily wages and the workers working on consolidated pay. The petitioner is working in Finance Arts College as a Part Time Instructor which should come under the control of Arts and Culture Department. The petitioner has filed this writ petition on the basis of G.O.Ms.No.22 Personnel Administration (F) Department dated 28.02.2006 and G.O.Ms.No.62 Tourism, Culture and Endowments (AN-4) Department dated 18.02.2015, which are not applicable to his case fundamentally. The above Government Orders are applicable only for the daily wagers in the lower categories and not for the post claimed by the petitioner. Even if it is presumed that the petitioner comes under the ambit of G.O.Ms.No.22 Personnel Administration (F) Department dated 28.02.2006, there should be materials to show that he has rendered 10 years of service as on 01.01.2006. The petitioner had only 6 years of service as on 01.01.2006.

5. Mr.T.Shanmugam, the learned counsel for the petitioner, submitted that the Government Order in G.O.Ms.No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013 would come to the rescue of the petitioner. In fact the petitioner has not pleaded about G.O.Ms.No.74 Personnel and



Administrative Reforms (F) Department dated 27.06.2013 in his affidavit and it is not his claim that he would get the benefit under G.O.Ms.No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013 and it would restrict the benefit of regularization only to those who have been employed through employment exchange. The petitioner has not been employed through employment exchange.

6. The Full Bench of this Court in the case of ***M.Sivappa Vs. The State of Tamil Nadu and others, in W.P.No.23823 of 2023***, has taken into consideration of the issue of retrospective applicability of G.O.Ms.No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013. In the said judgment it is held that whoever appointed to any Tamil Nadu basic service either in full time or part time employment and who have completed 10 years of service as on 28.02.2006, would be entitled to regularization irrespective of the nomenclature given to the said appointment. In the present case, the petitioner did not prove that she falls under one among the 86 categories dealt in the above judgment on the basis of the Government Order issued in this regard. The petitioner had completed 10 years of service as on 28.02.2006.

7. Without proving the essential aspects of the matter the petitioner appears to have filed this writ petition just to try a chance with the Court. This frivolous litigations steals the time of the Court and the Courts are not able to deal with the genuine issues brought before the Court.



8. In view of the above observation, this Writ Petition is dismissed. No costs.

WEB COPY

19-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

bkn



To
WEB COPY

1.The Secretary to Government,
Tourism, Tamil Development, Arts and
Culture Development, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Arts and
Culture,
Greenways Road, Chennai - 600 028.

3.The Principal,
Government College of Fine Arts,
Kumbakonam,



WEB COPY

WP No. 13795 of 2019



R.N.MANJULA J.

WP No. 13795 of 2019

19-03-2025