



W.P.No.21626 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.21626 of 2023

and

W.M.P.Nos.20996 and 20997 of 2023

G. Anandan

.. Petitioner

Versus

1. The State of Tamil Nadu
represented by the Secretary to Government,
Agriculture Department,
Fort St. George, Chennai – 600 009.

2. The Chief Engineer,
Agriculture Engineering Department,
No.487, Anna Salai, Nandhanam,
Chennai 600 035.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus pertaining to the impugned order passed by the Chief Engineer, Agricultural Engineering Department, No.487, Anna Salai, Nandhanam, Chennai 600 035, the 2nd



W.P.No.21626 of 2023

WEB COPY

respondent vide his proceedings in Letter No.GA.2/28916/2020 dated 05.04.2023 and quash the same as highly illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents herein to disburse the monetary and service benefits from 15.03.2010 to 31.03.2015 to the petitioner and pass orders.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.R.U.Dinesh Kumar
Additional Government Pleader

ORDER

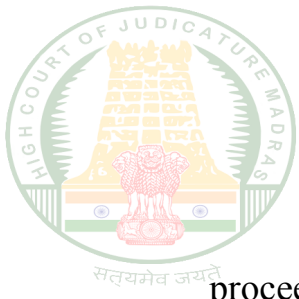
This Writ petition is filed to issue a Writ of Certiorarified Mandamus impugned order passed by the Chief Engineer, Agricultural Engineering Department, No.487, Anna Salai, Nandhanam, Chennai 600 035, the 2nd respondent vide his proceedings in Letter No.GA.2/28916/2020 dated 05.04.2023 and quash the same as highly illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents herein to disburse the monetary and service benefits from 15.03.2010 to 31.03.2015 to the petitioner and pass orders.



W.P.No.21626 of 2023

WEB COPY

2. The facts of the case is that the petitioner was initially appointed as Office Assistant on 01.09.1984 by the second respondent and he was ousted from service on 01.04.1990. Pursuant to which the petitioner had filed an Original Application before the Tamil Nadu Administrative Tribunal for Regularization in O.A.No.7688 of 2001 along with other employees and obtained an order on 05.12.2001, wherein it was directed to consider the claim of the petitioner for regular appointment. But no orders were passed by the respondents in appointing the petitioner. Hence, the petitioner made several representations to the respondents. After a decade, the petitioner was appointed as night watchman on 15.03.2010 and within 15 days he was terminated from service on 31.03.2010, due to which he made representation on 21.04.2010 and the same was rejected by the second respondent on 06.05.2010. Challenging the same, the petitioner filed W.P.No.11172 of 2011 and the same was allowed on 03.12.2012 with a direction to the respondents to appoint the petitioner in any one of the Group D post. Finally the petitioner joined the service on 11.07.2015. The sum and substance of the case is the second respondent addressed a letter to the first respondent vide his



W.P.No.21626 of 2023

WEB COPY

proceedings dated 18.03.2015, wherein, they have arrived at a sum of Rs.7,58,568/- towards backwages to the petitioner from 15.03.2010 to 31.03.2015. But it has not been disbursed to the petitioner, which has constrained the petitioner to file W.P.No.7951 of 2022 to implement the letter of the second respondent dated 18.03.2015 and the same was dismissed vide order 29.07.2022. Thereafter, the petitioner made a representation to the respondents on 16.09.2022 regarding the said issue. Pursuant to which the impugned order was passed by the second respondent on 05.04.2023. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the second respondent has failed to consider the vital aspect that similarly placed persons like the petitioner were appointed immediately pursuant to the orders of the Tribunal, whereas the petitioner's case was not considered. He further submitted that when the petitioner is legally entitled for back wages from 15.03.2010 to 31.03.2015, the respondents cannot escape from their liability by stating that a great concession has been shown to the petitioner by providing him appointment and that he is not entitled for back wages. Hence, prays to allow this petition.



W.P.No.21626 of 2023

WEB COPY

4. The learned Additional Government Pleader appearing for the Respondents has filed a counter affidavit, wherein, it has been stated that the petitioner worked previously only with break in service and not continuously during the period from 01.01.1984 to 01.06.1989 and 03.06.1989 to 31.03.1990. Further after March 1990, the petitioner has not at all worked in this Department until his appointment in the year 2015 vide G.O.Ms.No.138, Agriculture (AA3) Department, dated 03.07.2015. Therefore, the regularization of services retrospectively from the year 2010 as requested by the petitioner is not tenable as the petitioner has not at all worked in the Department itself from 1990 i.e for about 25 years. When the petitioner was not at all in service for the aforesaid period, then the question of claiming back wages for the period between 15.03.2010 to 31.03.2015 does not arise and also not tenable. Hence, prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.



W.P.No.21626 of 2023

WEB COPY

6. The core contention of the petitioner is that inspite of the recommendation made by the second respondent herein, letter No.Po.Ni.4/11225/2012 dated 18.03.2015 to the first respondent to disburse the backwages, the same was not implemented. But the fact remains that the petitioner has filed W.P.No.7951 of 2020 seeking a direction to consider the recommendation made by the second respondent herein, letter No.Po.Ni.4/11225/2012 and the same was dismissed by this Court on 29.07.2022, wherein, there was a observation made that the said letter is not at all a recommendation and it is only the intimation of the financial implications to the State Exchequer towards the petitioner's appointment on a regular basis. Further, after considering the impugned proceedings, the petitioner was appointed as an office Assistant and this itself is a great concession shown on the petitioner, since he has not even served with the respondents continuously.

7.In view of the above it is made clear that no claim of retrospective regularization can be made by the petitioner based on the above letter and this letter has no relevance to the present context of retrospective regularization and claiming back wages for the non-



W.P.No.21626 of 2023

WEB COPY

working period. Hence, there is no infirmity in the impugned order passed by the second respondent and the same does not require interference by this Court.

8. For the foregoing reasons this Court is not inclined to accept the contentions of the petitioner as the same is devoid of merits. Hence, this petition deserves to be dismissed. Accordingly, this petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

20.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



W.P.No.21626 of 2023

WEB COPY

To

1. The Secretary to Government,
Agriculture Department,
Fort St. George, Chennai – 600 009.

2. The Chief Engineer,
Agriculture Engineering Department,
No.487, Anna Salai, Nandhanam,
Chennai 600 035.



WEB COPY



W.P.No.21626 of 2023

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.21626 of 2023
and
W.M.P.Nos.20996 and 20997 of 2023

20.03.2025