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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.08.2025

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 5850 of 2017

AND

WMP.No. 6264 of 2017

K. Meikandan

..Petitioner

Vs

1.The Secretary to Government,
Agriculture Department,
Secretariat, Chennai.

2.The Director of Agriculture,
Chepauk, Chennai-600005.

3.The Joint Director of Agriculture,
Kattuthottam,
Thanjavur District.

4.The Deputy Director of Agriculture,
Sakkottai, Thanjavur District.

..Respondents



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Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified mandamus, calling for the order passed by the 1st respondent in G.O (D) No.283, Agriculture (Ve.Ni.4) Dept. dt.07.12.2016 and consequent order issued by the 3rd respondent passed in Proceedings No.A5/12955/2007, dt.31.01.2017 and to QUASH the same in so far as the fixation of salary to the petitioner in the post of Watchman on notional fixation basis from the date of initial appointment is concerned and consequently to direct the respondents to pass order for pay fixation on actual basis from the date of initial appointment, i.e., from 09.05.2008 with payment of arrears of salary and other service benefits along with interest for the belated payment and other consequential benefits within the time frame to be fixed by the Hon'ble Court and to pass such other further or other orders.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.LSM. Hasan Fizal, AGP

ORDER

The captioned writ petition has been filed seeking issuance of a writ of certiorarified mandamus to quash the order dated 07.12.2016 issued by the first respondent and the order dated 31.01.2017 issued by the third respondent, and to consequently direct the respondents to pay arrears of salary and other attendant benefits with effect from 09.05.2008.



Factual Background:

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2.1 The petitioner was initially appointed as a Water Boy-cum-Sweeper in the Agricultural Department on 04.09.1986 as a daily wager. However, his services were terminated on 03.10.1992. Challenging the said termination, the petitioner filed O.A. No. 1478 of 1993 before the Tamil Nadu Administrative Tribunal. Pursuant to the abolition of the Tribunal, the application stood transferred to this Court and was renumbered as W.P. No. 13589 of 2006.

2.2 This Court, by order dated 08.11.2006, disposed of the writ petition with the following direction:

“In view of his appointment in the year 1986, the petitioner, for the reasons stated above, cannot now even seek another job, since his name would have been removed from the rolls of the employment exchange and he might also have crossed the maximum age limit. As such, ends of justice will be met, in my opinion, by directing the respondents to accommodate the petitioner in any one of the vacancies available as on date, and if no vacancies are available, in the immediate future vacancy, he can be accommodated.

With the above direction, the writ petition is disposed of. No costs. It is made clear that, except for reinstatement, the petitioner is not entitled to any back wages or other benefits.”

2.3 Pursuant to the order passed by this Court on 08.11.2006, the third respondent, by proceedings dated 06.03.2008, appointed the petitioner afresh as



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Watchman on a temporary basis. Subsequently, the third respondent sent a proposal to the second respondent seeking relaxation of the age limit, as the petitioner had crossed the prescribed maximum age for appointment, and requested regularization of his services. In response, the first respondent passed the impugned Government Order dated 07.12.2016, thereby regularizing the petitioner's services as Watchman with effect from 09.05.2008. While the petitioner's pay was fixed notionally from that date, it was directed that monetary benefits would accrue only from the date of the said Government Order, i.e., 07.12.2016. Based on the Government Order, the third respondent passed a consequential order dated 31.01.2017, fixing the petitioner's pay on a notional basis from 09.05.2008, but denying arrears of salary for the period prior to 07.12.2016.

3. Mr. S. Neduchezhiyan, learned counsel for the petitioner, submitted that the petitioner was continuously employed on daily wages from 09.05.2008 and has been rendering uninterrupted service since then. It was contended that upon regularization of his service with effect from 09.05.2008, the petitioner is entitled to receive arrears of salary and other consequential monetary benefits from the date of regularization. The denial of such benefits, despite the regularization of service, was submitted to be arbitrary, unreasonable, and

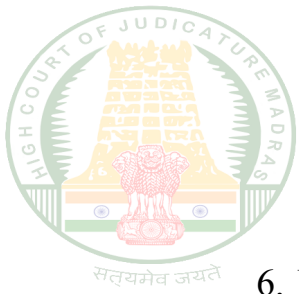


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violative of Article 14 of the Constitution of India. The learned counsel argued that once regularization is granted retrospectively, denial of monetary benefits for the period during which the petitioner has actually rendered service amounts to unfair treatment and discrimination.

4. Per contra, Mr. LSM Hasan Fizal, learned Additional Government Pleader appearing on behalf of the respondents, submitted that the petitioner was not eligible for regular appointment due to having exceeded the maximum age limit. However, considering his long-standing litigation and humanitarian circumstances, the authorities appointed him afresh. The Government, therefore, in its discretion, granted regularization from 09.05.2008 but rightly limited monetary benefits to commence only from 07.12.2016 the date of issuance of the Government Order on equitable considerations. The impugned orders were defended as reasonable and within the policy framework of the State Government.

5. The arguments advanced by the learned counsel for both sides and the materials placed on record have been duly considered.



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6. It is not in dispute that the petitioner was initially engaged as a daily wage employee on 04.09.1986 and his services were terminated on 03.10.1992. This Court, by order dated 08.11.2006 in W.P. No. 13589 of 2006, directed the respondents to accommodate the petitioner in any available vacancy or in the immediate future vacancy. However, the Court also made it abundantly clear that the petitioner would not be entitled to any back wages or service benefits for the period preceding such reappointment. In compliance with this order, the petitioner was appointed afresh on 09.05.2008.

7. While the petitioner is not entitled to any back wages for the period between termination (1992) and reappointment (2008), the fact remains that he has been continuously employed from 09.05.2008 onwards. The Government, having regularized his services from 09.05.2008 and having availed of his services on a full-time basis from that date, cannot now arbitrarily deny him salary arrears and monetary benefits for the period between 09.05.2008 and 07.12.2016. Once regularization is granted with retrospective effect, the denial of corresponding monetary benefits, especially where the petitioner has actually discharged duties, is not sustainable in law.



8. The impugned orders of the first and third respondents, to the extent they deny the petitioner arrears of salary and consequential benefits for the period from 09.05.2008 to 07.12.2016, are found to be arbitrary, discriminatory, and violative of the principles of equality enshrined under Article 14 of the Constitution of India. The petitioner, having worked continuously, is entitled to receive salary as per the pay fixation consequent to his regularization from 09.05.2008.

9. Accordingly, the captioned writ petition is allowed. The impugned orders dated 07.12.2016 and 31.01.2017 passed by the first and third respondents, respectively, insofar as they deny the petitioner arrears of salary for the period from 09.05.2008 to 07.12.2016, as well as other consequential benefits including annual increments, are hereby quashed.

10. The respondents are directed to pay the petitioner arrears of salary, if any, based on the notional fixation of his pay with effect from 09.05.2008 until the issuance of the Government Order in G.O. No. 283, Agriculture Department, dated 07.12.2016, and to extend all consequential benefits arising there from. The above exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.



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11. In light of the above directions, the writ petition stands allowed.

Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index : Yes/No

Internet : Yes

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HEMANT CHANDANGOUDAR, J.

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