



W.A.Nos.10 of 2025 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.Nos.10 of 2025, 3317, 3276, 3814 & 1029 of 2024
and C.M.P.Nos.31 of 2025, 25722, 25385, 30044 & 7332 of 2024**

W.A.No.10 of 2025:-

- 1.The Secretary to Government,
Animal Husbandry, Dairying &
Fisheries Department,
Fort St.George, Chennai – 9.
- 2.The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai – 9.
- 3.The Secretary to Government,
Finance (A.H.D and F) Department,
Fort St.George, Chennai – 9.
- 4.The Secretary to Government,
Law Department,
Fort St.George, Chennai – 9.
- 5.The Director,
Animal Husbandry and Veterinary Services,
Veterinary Hospital Complex Building,
Saidapet.



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6.The Regional Joint Director,
Animal Husbandry Department,
Pudukottai District.

7.The Assistant Director,
Animal Husbandry Department,
Pudukottai District.

...Appellants

Vs.

V.Arumugam

...Respondent

Prayer in W.A.No.10 of 2025:

Appeal under Clause 15 of the Letters Patent, pleased to set aside the
Order dated 19.10.2023 made in W.P.No.19241 of 2020.

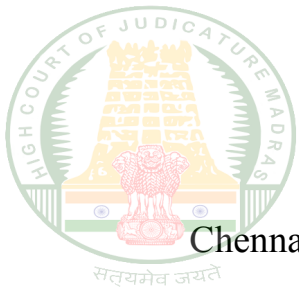
For Appellants : Mr.P.Kumaresan,
Additional Advocate General
Asst. by Mr.S.Yashwanth,
Additional Government Pleader

For Respondent : Mr.S.Gunasekaran

W.A.No.3317 of 2024:-

1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Animal Husbandry, Dairy &
Fisheries Department,
Secretariat, Chennai – 9.

2.The Director,
Directorate of Animal Husbandry and
Veterinary Service,
DMS Complex, 3rd Floor Block – 2,
Anna Salai, Teynampet,



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Chennai – 600 018.

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3. The Joint Director of Animal Husbandry,
District Animal Husbandry & Veterinary Services,
Hosur, Krishnagiri District.

4. The Assistant Director,
Animal Husbandry & Veterinary Services,
Krishnagiri District.

...Appellants

Vs.

Jeyamma

...Respondent

Prayer in W.A.No.3317 of 2024:

Appeal under Clause 15 of the Letters Patent, pleased to set aside the
Order dated 28.06.2023 made in W.P.No.12090 of 2020.

For Appellants : Mr.P.Kumaresan,
Additional Advocate General
Asst. by Mr.S.Yashwanth,
Additional Government Pleader

For Respondent : Mr.K.S.Viswanathan,
Senior Counsel
for M/s.T.Hemalatha

W.A.No.3276 of 2024:-

1.State of Tamil Nadu,
Rep by its Secretary,
Animal Husbandry, Dairy &
Fisheries Department,
Fort St.George, Chennai – 600 009.

2.The Director of Animal Husbandry and
Veterinary Services,
Veterinary Hospital Campus,



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Nandanam, Chennai – 600 035.

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3. The Regional Joint Director,
Animal Husbandry Department,
Erode, Erode District.

4. The Assistant Director,
Animal Husbandry Department,
Gobichettipalayam Division,
Erode District.

5. The Director of Treasuries and Accounts,
Panakal Building,
Saidapet, Chennai – 600 015.

...Appellants

Vs.

1. S. Muthuvel

2. The Principal Accountant General
(Accounts & Entitlements),
AG's Office Complex,
361, Anna Salai,
Teynampet, Chennai – 600 018.

...Respondent

Prayer in W.A.No.3276 of 2024: Appeal under Clause 15 of the Letters Patent,
pleased to set aside the Order dated 19.12.2023 made in W.P.No.27819 of 2021
and allowed this Writ Appeal.

For Appellants : Mr.P.Kumaresan,
Additional Advocate General
Asst. by Mr.S.Yashwanth,
Additional Government Pleader

For Respondents : Ms.A.Pramila
for Mr.P.Nethaji
for R1



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W.A.No.3814 of 2024:-

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1.State of Tamil Nadu,
Rep by its Secretary,
Animal Husbandry, Dairy &
Fisheries Department,
Fort St.George, Chennai – 600 009.

2.The Director of Animal Husbandry and
Veterinary Services,
Veterinary Hospital Campus,
Nandanam, Chennai – 600 035.

3.The Regional Joint Director,
Animal Husbandry Department,
Erode, Erode District.

4.The Assistant Director,
Animal Husbandry Department,
Gobichettipalayam Division,
Erode District.

...Appellants

Vs.

1.C.Krishnan,
Animal Husbandry Assistant,
Veterinary Dispensary,
Thalamalai, Thalavadi T.K.,
Erode District.

2.The Principal Accountant General
(Accounts & Entitlements),
AG's Office Complex,
361, Anna Salai,
Teynampet, Chennai – 600 018.

3.The Director of Treasuries and Accounts,
Panakal Building,
Saidapet, Chennai – 600 015.

...Respondents



W.A.Nos.10 of 2025 etc., batch

WEB **Prayer in W.A.No.3814 of 2024:**

Appeal under Clause 15 of the Letters Patent, pleased to set aside the Order dated 28.11.2024 made in W.P.No.216 of 2022.

For Appellants	: Mr.P.Kumaresan, Additional Advocate General Asst. by Mr.S.Yashwanth, Additional Government Pleader
For Respondents	: Ms.A.Pramila for Mr.P.Nethaji for R1

W.A.No.1029 of 2024:-

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Animal Husbandry, Dairy &
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,
Thirunelveli – 9.
- 4.The Assistant Director,
Animal Husbandry Department,
Ambasamudram,
Thirunelveli District.

...Appellants

Vs.

...Respondent

S.Subbukutty



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Prayer in W.A.No.1029 of 2024:

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Appeal under Clause 15 of the Letters Patent, pleased to set aside the Order dated 13.09.2022 made in W.P.No.18337 of 2009.

For Appellants : Mr.P.Kumaresan,
Additional Advocate General
Asst. by Mr.S.Yashwanth,
Additional Government Pleader

For Respondent : Mr.S.Gunasekaran

COMMON JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

By this common order, all these Writ Appeals are being disposed of.

2. In these Writ Appeals, the State of Tamil Nadu represented by its Secretary to Government and others have filed these appeals against the respective orders of the Writ Court as detailed below:

<i>Sl.Nos.</i>	<i>W.A.Nos.</i>	<i>W.P.Nos.</i>	<i>Prayer</i>
1	W.A.No.10 of 2025	W.P.No.19241 of 2020	To set aside the order dated 19.10.2023
2	W.A.No.3317 of 2024	W.P.No.12090 of 2020	To set aside the order dated 28.06.2023
3	W.A.No.3276 of 2024	W.P.No.27819 of 2021	To set aside the order dated 19.12.2023
4	W.A.No.3814 of 2024	W.P.No.216 of 2022	To set aside the order dated 28.11.2023
5	W.A.No.1029 of 2024	W.P.No.18337 of 2009	To set aside the order dated 13.09.2022



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WEB COPY 3. By the impugned orders, the Writ Court has allowed the respective writ petitions filed by the respondents in the respective writ petitions.

4. In the impugned orders, the Writ Court has placed reliance on the decision of the Division Bench in W.A.No.2631 of 2018 in its order dated 30.11.2018, wherein, it was held that the services of the employees would be regularized with effect from 17.02.2000. The respondents herein were appointed as Causal Labourers on various dates and thereafter appointed as Animal Husbandry Assistants under Rule 10(a)(1) of the Tamil Nadu Service Rules on various dates. Their services were thereafter regularized by the proceedings of the second appellant herein on various dates. Hence, the Court has come to the conclusion that the respondents herein were also entitled to the same benefit with effect from the date of joining in the regular post as Animal Husbandry Assistants with consequential service and monetary benefits.

5. In fact, we have also recently dealt with the issue in an identical case. We have dismissed a similar appeal of the State in W.A.No.3557 of 2024 on 09.12.2024 against order dated 07.11.2023 of the Writ Court in W.P.No.27200 of 2021.



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6. This Court taking note of the Government Order in G.O.(Ms).No.58 dated 23.03.2018 which was issued in the backdrop of orders dated 25.04.2006 and 26.02.2006 of the Court and other Government Orders, wherein, the benefits have been given to various employees, had dismissed W.A.No.3557 of 2024 with the following observations:-

“6.1. Insofar as the case of the respondent/writ petitioner is concerned, admittedly, the respondent/writ petitioner was appointed by virtue of G.O.(Ms).No.19 dated 21.02.2007. Subsequently, when the issue of regularization had come up by issuance of G.O.(Ms).No.173 dated 10.07.2013, such a regularization had been made only with effect from 10.07.2013 and not from 21.02.2007.

6.2. The persons similarly placed like the respondent/writ petitioner approached the Writ Court, as stated supra, by filing two writ petitions, where, directions have been given to give the benefit by considering their representation in light of G.O.(Ms).No.49 as well as G.O.(Ms).No.185 issued by Animal Husbandry, Dairying and Fisheries (AH6) Department.

6.3. In paragraph 6 of G.O.(Ms).No.58 dated 20.03.2018, the Government has stated that as has been done in similar cases to Tvl. S. Mathiyazhagan and M. Thiyagarajan by issuance of G.O.(Ms).No.49 and G.O.(Ms).No.185 dated 20.02.2013 and 22.09.2015 respectively, such benefit could be extended to fifteen persons, who had been appointed and regularized with effect from the year 2013 by virtue of G.O.(Ms).No.173.

6.4. Accordingly, the fifteen persons, who had been covered under the same G.O.(Ms).No.19 as well as G.O.(Ms).No.173, since have been given the benefit under G.O.(Ms).No.158, the writ petitioner/respondent, who is one such person seeking the benefit under G.O.(Ms).No.19 as well as G.O.(Ms).No.173, certainly would be entitled to seek same benefit, which he has sought by filing a writ petition, seeking directions by way of mandamus, which in fact has been considered in such a perspective, and based on the Government Orders, was allowed by the Writ Court, of course, correctly.

6.5. Insofar as the arguments that have been advanced by the learned Additional Government Pleader appearing for the appellant State, that in



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respect of some of the orders that have been passed by the Writ Court, where intra-Court appeals have been filed and interim orders have been granted against the learned Single Judge order and since those appeals are pending, the present benefit that has been sought to be extended to the present writ petitioner ought not to have been made, is concerned, we are not impressed with the same. The reason being that the very pendency of the writ appeal itself has become either infructuous or otios for the reason being that the Government has come forward to issue G.O.(Ms).No.58 dated 20.03.2018, where detailed discussion has been made as to how and why these people are regularized with effect from the date of original appointment.

6.6. When the fifteen people who are similarly placed like the respondent/writ petitioner; who are given the benefit of G.O.(Ms).No.58, we do not find any reason why such benefit was not extended to the present respondent. More over, very recently in the year 2024, as we have stated supra, the Government has come forward to issue a further Government Order, whereby the services of at least 8 such candidates have been regularized with effect from the initial appointment, that is under G.O.(Ms).No.35 dated 10.03.2024.

6.7. The continuous and consistent stand of the Government in this regard is whoever have been appointed on regular basis by virtue of G.O.(Ms).No.19 and regularized by virtue of G.O.(Ms).No.173 are entitled to get the benefit of regularization with effect from the date of appointment, that is from 2007 as per G.O.(Ms).No.19. That position cannot be altered in one or two cases by way of pick and choose method, in our considered view, cannot be sustained.

7.1. Resultantly, for all the aforesaid discussions and reasons, the order passed by the learned Single Judge is to be sustained and accordingly, the same stands sustained and as a sequel, the writ appeal fails and hence it is dismissed.

7.2. There shall be a direction to the appellant department to implement the order of the learned Single Judge, which is impugned herein and extend such benefit to the respondent/writ petitioner within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, C.M.P.No.27579 of 2024 is closed.”

7. We find no reasons to take a different and contra view in these appeals. Therefore, these Writ Appeals are liable to be dismissed.



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WEB COPY 8. Accordingly, these Writ Appeals are dismissed. Consequently, there shall be a direction to the appellant Department to implement the order(s) of the Writ Court in the respective Writ Petition(s) and extend such other benefits as ordered by the Writ Court, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J.]

[C.S.N., J.]

27.01.2025

jas/mrr

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

To

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Nandanam,
Chennai – 600 035.



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15. The Assistant Director,
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Gobichettipalayam Division,
Erode District.

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

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Animal Husbandry Department,
Thirunelveli – 9.

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**W.A.Nos.10 of 2025, 3317,
3276, 3814 & 1029 of 2024**

27.01.2025