

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the First day of April Two Thousand Twenty One

PRESENT

THE HON'BLE MR JUSTICE R.SURESH KUMAR

WP.Nos.23878 to 23882 of 2012

K.CHANDRAKUMARI ... PETITIONER in WP No.23878 of 2012

S.ANTONY AKNASI ... PETITIONER in WP No.23879 of 2012

THANGAPONNU ... PETITIONER in WP No.23880 of 2012

M.RAVIKUMAR ... PETITIONER in WP No.23881 of 2012

K.MARIAPPAN ... PETITIONER in WP No.23882 of 2012

Vs

1 THE GOVERNMENT OF TAMIL NADU, [RESPONDENTS IN ALL THE
REP. BY THE SECRETARY TO GOVERNMENT PETITIONS]
ANIMAL HUSBANDRIES AND FISHERIES
DEPARTMENT, SECRETARIAT, CHENNAI.

2 THE COMMISSIONER OF ANIMAL
HUSBANDRY AND VETERINARY SERVICES,
CHENNAI-6.

3 THE DISTRICT COLLECTOR,
DINDIGUL.

4 THE JOINT DIRECTOR,
ANIMAL HUSBANDRY DEPARTMENT, DINDIGUL.

Writ Petitions under Article 226 of the Constitution of India
praying that in the circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue a writ, order or direction particularly in the
nature of writ of mandamus,

(i) WP No.23878 of 2012

Directing the respondents not to fill up the post of Animal
Husbandry Assistants on the basis of the letter dated 8.5.2012 on
the file of the second respondent herein without observing/
regularising the petitioner while filling up the vacancies of
Animal Husbandry Assistants in any one of the vacancies in Dindigul
District

Directing the respondents not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 8.5.2012 on the file of the second respondent herein without observing/regularising the petitioner while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District

(iii)WP No.23880 of 2012

Directing the respondents not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 8.5.2012 on the file of the second respondent herein without observing/regularising the petitioner while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District

(iv)WP No.23881 of 2012

Directing the respondents not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 8.5.2012 on the file of the second respondent herein without observing/regularising the petitioner while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District

(v)WP No.23882 of 2012

Directing the respondents not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 8.5.2012 on the file of the second respondent herein without observing/regularising the petitioner while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District

Order : These petitions coming on this day for hearing upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.AVINASH WEDWANI for M/S.V.RAGHAVACHARI, Advocate for the petitioner in all the petitions and of MR.K.MAGESH, Special Government Pleader for the respondents in all the petitions, the court made the following order:-

By relying upon the counter affidavit filed by the second respondent, the learned Special Government Pleader appearing for the respondents would submit that, none of the petitioners in the batch of Writ Petitions have either been appointed or been engaged either on regular basis or daily wages basis or consolidated pay basis as claimed by them. The work maximum undertaken by them were only Sweeping and Watering for 30mins, that too, whenever it was required and that kind of work given to them by the Officials concerned of the Veterinary Hospital, the Officials concerned of the Hospital themselves would make the meagre payment of Rs.2/- for the time of 30mins work and therefore, that cannot be treated as any work continuously claimed to have been undertaken by them. Therefore, the petitioners neither would be entitled to get the benefit of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department dated 28.02.2006 nor G.O.Ms.No.528 dated 10.10.1988 of

the same department.

2. When that being the position, the learned counsel appearing for the petitioners since claimed that, these petitioners have been continuously engaged on daily wages basis for the past more than twenty years to till date, an affidavit with supporting documents to that effect by way of rejoinder can be filed to the counter filed by the respondents.

3. For the said purpose, post these matters after two weeks.

-sd/-
01/04/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT
THE GOVERNMENT OF TAMIL NADU,
ANIMAL HUSBANDRIES AND FISHERIES
DEPARTMENT, SECRETARIAT, CHENNAI.

2 THE COMMISSIONER OF ANIMAL
HUSBANDRY AND VETERINARY SERVICES,
CHENNAI-6.

3 THE DISTRICT COLLECTOR,
DINDIGUL.

4 THE JOINT DIRECTOR,
ANIMAL HUSBANDRY DEPARTMENT, DINDIGUL.

Order
in

WEB COPY

WP.Nos.23878 to 23882 of 2012

Date : 01/04/2021

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UM(09/04/2021)