

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.32884 of 2014

1. M.Sekar ... Petitioners

2. N.Rajagopal

3. G.Sarojini @ Sheela

4. S.Anthonysamy

Vs

1. The State of Tamilnadu
Rep. by its Secretary to Government
Rural Development Department Fort St. George
Chennai-600 009.

2. The Director of Rural
Development and Panchayat Raj
Panagal Buildings Saidapet Chennai-600 015.

3. The District Supply and
Marketing Society
Rep. by its Chairman
The District Collector Pudukottai.

4. The Joint Director/Project Officer
District Rural Development Agency
Kattupudukulam Pudukottai-622 001.

5. The Managing Director
Tamilnadu Corporation for Development of Women Ltd.
Annai Therasa Complex Valluvarkottam Annex
Nungambakkam Chennai- 600 034.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus calling for the records of the third respondent relating to the Melezuthu dated 12.11.2014 bearing No.Na.Ka.A5 / 966 / 2008 informing the petitioners that they could not be absorbed in Government Service as per G.O.Ms.No.22 dated 28.02.2006 and to quash the same and consequently directing the first respondent to pass orders in the application to regularise the services of the petitioners and fix the time scale of pay as per the order of this Honble Court.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.M.S.Ramesh, AGP (R1-4)
R4-NA

O R D E R

The claim made by the petitioners for regularisation of their services was rejected by the District Collector by order dated 20.12.2007. The petitioners have challenged the said order before this Court in W.P.No.9871 of 2008. This Court, set aside the order passed by the District Collector and issued a mandamus to the 1st respondent to consider the question regarding regularisation. The said order was challenged before the Division Bench in W.A.No.1587 of 2013. The Writ Appeal was dismissed by this Court by Judgement dated 14.08.2014. The Division Bench was pleased to direct the 1st respondent herein to consider the matter within a period of three months. Thereafter, instead of passing orders by the 1st respondent, the very same District Collector, passed the impugned order rejecting the request for regularisation. Feeling aggrieved by the said order, the petitioners have come up with this writ petition.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents 1 to 4.

3. The petitioners herein were all appointed as Store Keeper, Accountant, Junior Assistant-cum-Typist and Night Watchman respectively. It was an appointment on consolidated pay. The appointments were made on 26.06.1995, 4.4.1995, 1.4.1995 and 1.4.1995 respectively. The petitioners made a claim for regularisation. Even though the request was made only to the Government, it was only the District Collector who rejected the request by order dated 20.12.2007. This Court having found that the appropriate authority is only the Government to consider the issue, set aside the order

passed by the District Collector and a direction was issued to the 1st respondent to consider the matter within a period of 12 weeks. It is a matter of record that the order directing the Government to consider the issue was taken up by way of Writ Appeal in W.A.No.1587 of 2013. The Division Bench was pleased to dismiss the appeal by Judgment dated 14.08.2014. While dismissing the appeal, the Division Bench directed the 1st respondent herein to consider the matter and pass appropriate orders within a period of three months.

4. The learned Single Judge as well as the Division Bench passed a specific order directing the 1st respondent to consider the claim regarding regularisation. The 3rd respondent has no business to consider the matter and reject it notwithstanding the direction given by this Court to the Government to pass orders. I am therefore of the view that the 3rd respondent exceeded his authority by passing orders, in violation of the direction issued by this Court.

5. In the result, the impugned order dated 12.11.2014 is set aside. The 1st respondent is directed to consider the claim made by the petitioners for regularisation on merits and as per law and without reference to the reasons given in the order passed by the District Collector, which is impugned in this writ petition. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

In the upshot, I allow the writ petition. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

rg

To

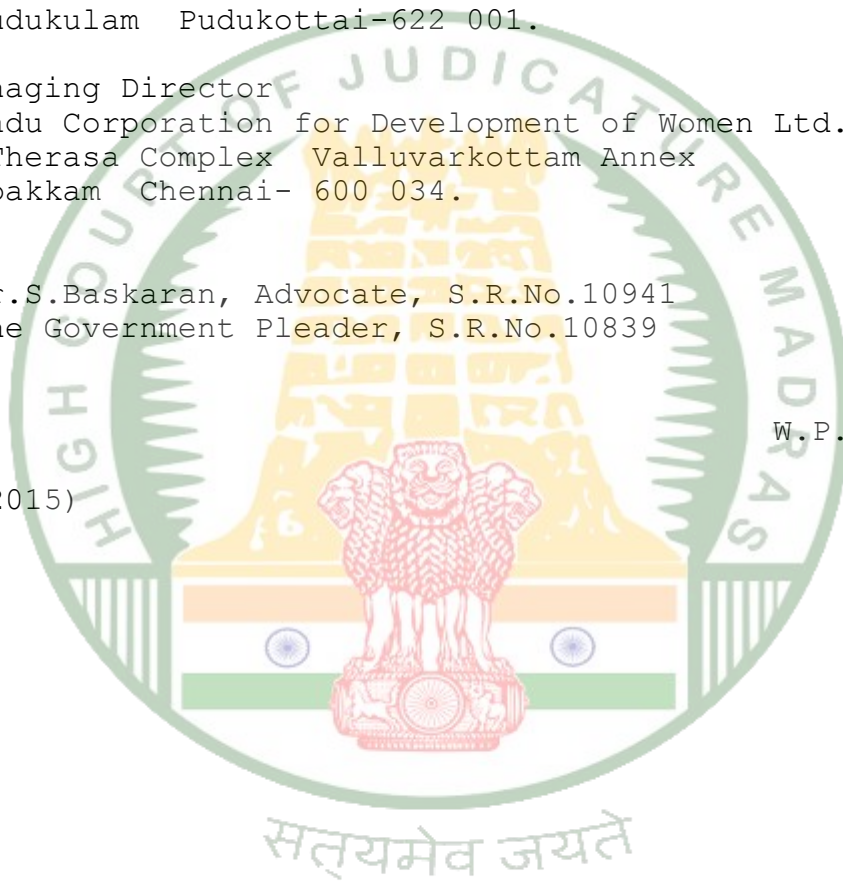
1. The State of Tamilnadu
Rep. by its Secretary to Government
Rural Development Department Fort St. George
Chennai-600 009.

2. The Director of Rural
Development and Panchayat Raj
Panagal Buildings Saidapet Chennai-600 015.
3. The District Supply and
Marketing Society
Rep. by its Chairman
The District Collector Pudukottai.
4. The Joint Director/Project Officer
District Rural Development Agency
Kattupudukulam Pudukottai-622 001.
5. The Managing Director
Tamilnadu Corporation for Development of Women Ltd.
Annai Therasa Complex Valluvarkottam Annex
Nungambakkam Chennai- 600 034.

+2cc to Mr.S.Baskaran, Advocate, S.R.No.10941
+1cc to the Government Pleader, S.R.No.10839

SV(CO)
CA(05/03/2015)

W.P.No.32884 of 2014



WEB COPY