

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10258 of 2016
& WMP No.9081 of 2016

1 Thangamma
2 Kembi
3 Pavuna

[Petitioners]

Vs.

1 The State of Tamil Nadu
Rep. by the Secretary
Handloom, Handicrafts, Textiles & Khadi Department
Fort St. George, Chennai-600 009
2 The Director
Department of Sericulture
Annaaimedu
Salem- 636 001
3 The Assistant Director
Department of Sericulture near Sime Park
Coonur Taluk
The Nilgiris District
4 The Assistant Director
Department of Sericulture
Annaaimedu
Salem

सत्यमेव जयते

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to allow the petitioners to continue in service as Sericulture Workers till the completion of 60 years as per FR 56(i).

For Petitioners : Mrs.Lesi Saravanan

For Respondents : Mr.A.Kumar, SGP

O R D E R

Heard the learned counsel for the petitioners and Mr.A.Kumar, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. Three writ petitioners, namely Thangamma, Kembi and Pavuna, who were appointed as Sericulture Workers on daily wage basis at the rate of Rs.12 per day in the year 1980, have come to this Court jointly seeking a similar prayer for issuing a Writ of Mandamus directing the respondents to allow them to continue in service as Sericulture Workers till they complete 60 years of age, as per FR 56(i).

3. According to the petitioners, the Government issued an order in G.O.Ms.No.25, Handloom, Handicrafts, Textiles and Khadi (G2) Department, dated 23.2.2010, regularising the service of 520 casual labourers working in Sericulture Department who have put in 10 years of service as on 1.1.2006. Based on that G.O, the services of the petitioners were regularised, by the orders passed by the Assistant Director, dated 10.5.2010, 10.5.2010 and 28.4.2010 respectively. The first two petitioners are now working under the control of the third respondent and the third petitioner is working under the control of the fourth respondent. Since they are serving as Sericulture Workers, they are under the impression that their age of retirement would be 60 years. But the respondents have orally indicated that they would be issued with an order of retirement on completion of 58 years of age, namely 31.3.2016. Hence, except no other option, they have come to this Court with the aforesaid prayer.

4. In similar circumstances, this Court has already passed an order dated 23.2.2016 in W.P.No.6543 of 2016 (L.Amsavani vs. the State of Tamil Nadu, rep.by the Secretary, Handloom, Handicrafts, Textiles and Khadi Department), holding as follows:

"3. Mr.A.Kumar, learned Special Government Pleader appearing for the respondents, on going through the order, also submitted that the issue appears to have been covered.

4. On the very same issue, this Court has passed one another order dated 21.8.2014 in W.P.(Md) No.13264 f 2014 (V.Muthiah v. The State of Tamil Nadu rep.by the Secretary, Handloom, Hazndicrafts, Textiles and Khadi Department and two others) in which the learned

Single Judge has allowed the writ petition, following the order in W.P.Nos.14977, 15614 to 15616 of 2011 dated 24.1.2013, directing the respondents to retain the petitioner therein in service until he attains the age of 60 years.

5. This Court, considering the fact that issue has already been decided against the Department of Sericulture, being bound by the aforementioned orders, is inclined to allow this writ petition. Accordingly, the writ petition stands allowed as prayed for with a direction to the respondents to permit the petitioner to continue in service as Sericulture Worker till she completes the age of 60 years. Consequently, W.M.P.No.5819 of 2016 is closed. No costs."

6. In the light of the aforesaid order passed by me in the identical issue, directing the respondents to permit a similarly placed person, namely L.Amsaveni to continue in service till she completes the age of 60 years and also considering the fact that the service of the petitioners as Sericulture Workers were regularised in the year 2010 itself, I am of the opinion that the petitioners are entitled to continue in service, till they complete the age of superannuation, namely 60 years.

7. The Writ Petition is allowed with direction to the respondents to permit the petitioners to continue in service as Sericulture Workers, till they complete the age of 60 years. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

- 1 The Secretary,
Handloom, Handicrafts, Textiles & Khadi Department,
Fort St. George, Chennai-600 009.
- 2 The Director,
Department of Sericulture,
Annaaimedu,
Salem- 636 001.

3 The Assistant Director,
Department of Sericulture near Sime Park,
Coonur Taluk,
The Nilgiris District.

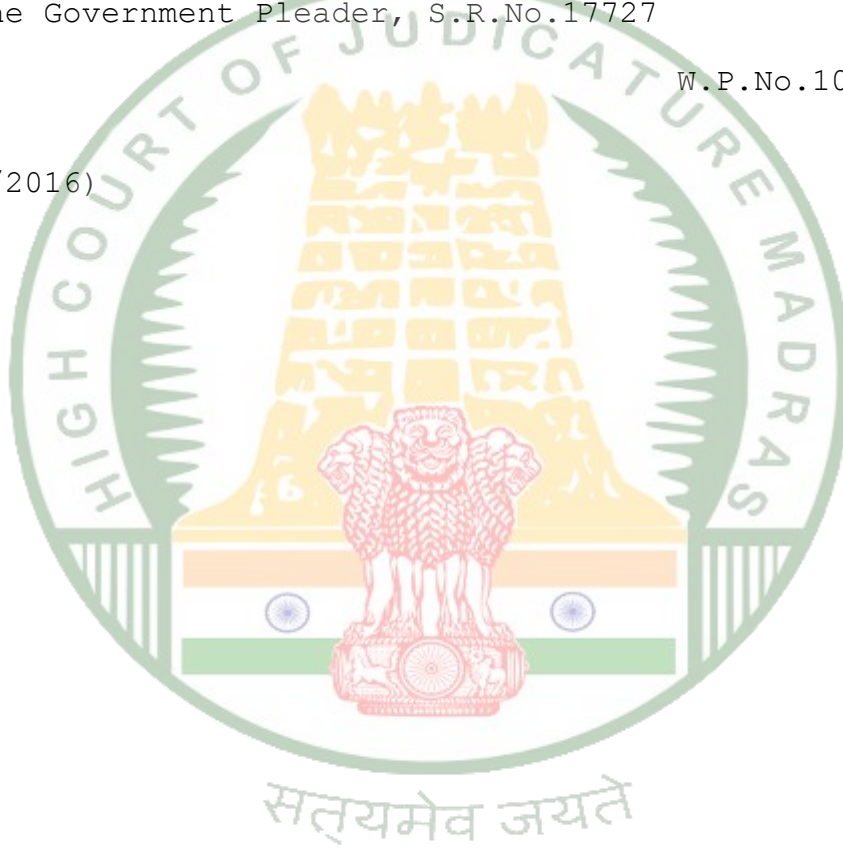
4 The Assistant Director,
Department of Sericulture,
Annaimedu,
Salem.

+1cc to M/S.Lesi Saravanan, Advocate, S.R.No.1814

+1cc to the Government Pleader, S.R.No.17727

W.P.No.10258 of 2016

ug (CO)
srg (24/03/2016)



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