

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15982 of 2016

and

W.M.P.Nos.13832 and 13833 of 2016

1.R.Arul Kumar
2.K.Sundaramoorthy
3.R.Thamilarasu
4.G.Perlina

.. Petitioners

-Vs-

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Rural Development and
Panchayat Raj Department,
Fort St. George,
Chennai-600 009.

2.The Project Director,
Tamil Nadu Pudhuvazhvu State Society,
2nd Floor, Annai Therasa Mahalir Vallagam,
Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.

3.The Additional Project Director,
Tamil Nadu Pudhuvazhvu State Society,
2nd Floor, Annai Therasa Mahalir Vallagam,
Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.

4.The Human Resources Officer,
Tamil Nadu Pudhuvazhvu State Society,
2nd Floor, Annai Therasa Mahalir Vallagam,
Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the entire records pertaining to the order passed by the Additional Project Director, Tamil Nadu Pudhuvazhvu State Society, the third respondent herein vide his Proceedings in Roc.No.1149/PVP-A/2015 dated 01.04.2016 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice.

For Petitioners : Mr.A.R.Suresh

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

The petitioners have come to this Court, challenging the impugned order passed by the Additional Project Director, Tamil Nadu Pudhuvazhvu State Society, the third respondent herein vide his Proceedings in Roc.No.1149/PVP-A/2015 dated 01.04.2016.

2.Learned counsel appearing for the petitioners would submit that the petitioners are working as Team Leaders in the Pudhu Vazhvu State Society Project, which was originally stood in the name of Tamil Nadu Empowerment and Poverty Reduction Project and the same had certain key elements such as transferring the control over decision making and resources to the community and local institutions, focusing on the poorest and vulnerable, building and empowering community institutions and organisations, establishing linkages between the elected village institutions and community organisations, focusing on employment generation and livelihood enhancement in the project area and building downward accountability and transparency at all levels. He would further submit that in order to achieve the above objects, the Government have issued Government Orders in G.O. Ms. No.198 Social Welfare and Nutritious Meal Programme Department dated 17.10.2003, G.O. Ms. No.79 Social Welfare and Nutritious Meal Programme (SW-3) Department, dated 12.05.2004, G.O. Ms. No.33 Social Welfare and Nutritious Meal Programme Department, dated 09.03.2005, G.O. Ms. No.64 Social Welfare and Nutritious Meal Programme Department, dated 29.04.2005 and G.O. Ms. No.67 Social Welfare and Nutritious Meal Programme (SW3-2) Department, dated 03.05.2005. While so, a Circular dated 15.11.2011 has been issued by the Project Director/the second respondent herein regarding the performance appraisal of all the staff upto District Project Managers for the period from 01.04.2010 to 31.03.2011 for the purpose of awarding incentive increments and the guidelines for effecting the same. Thereafter, there was a change in the above pattern during 2009-2010 to the effect that for each facilitator, the performance of one VPRC under his charge will be assessed on random basis. This being the position, the third respondent, has issued the impugned circular dated 01.04.2016 in Roc.No. 1149/PVP-A/2015, prescribing data of the details concerning all the CBOs to be entered individually for the assessment of work done by the facilitators for the award of increment and prescribing negative marks at the ratio of 20 for facilitators, 10 for Team Leaders, 5 for APMs and 3 for DPMs, which are not in accordance with law when new facilitator, team leaders, APMs and even DPMs are recruited based on the vacancy caused due to several factors including resignation. He contended that the third respondent

herein has also issued a new guideline, giving negative marks in a non transparent method for the purpose of award of increments, which is a part of salary and hence the impugned order is liable to be quashed.

4.This Court is not able to find any merit in the submission made by the learned counsel appearing for the petitioners for the reason that when the petitioners have been working from the date of their appointments, they cannot say that since some of the persons, occupying the post of DPM, are transferred, the petitioners are not able to reach any target. When the petitioners have come forward to do the work, they cannot say that it is not possible for any facilitator, team leader, APM and DPM to give a consolidated data from 2006 to 31.03.2015. Therefore, the impugned order passed by the third respondent cannot be found fault with. Hence, this Court, finding no error in the impugned order, is not inclined to grant the relief sought for by the petitioners. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected M.Ps. are also dismissed.

vga

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
The State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-600 009.

2.The Project Director,
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KR/1/6/16

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