

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20246 of 2016

and

WMP No.17415 of 2016

1. M.V.Venkatesan

2. K.Balraj

.. Petitioners

vs

1. The State of Tamil Nadu rep.by its
Secretary, Handloom, Handicrafts
Textiles and Khadi Department
Fort St.George, Chennai 600 009.

2. The Director
Department of Sericulture
Anaimeedu
Salem 636 001.

3. The Assistant Director
Department of Sericulture
Denkanikottai Road
Dhinor, Hosur
Krishnagiri District 635 109.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to allow the petitioners to continue in service as Sericulture Worker till the completion of 60 years as per Fundamental Rule 56(i).

For Petitioners: Ms.Lesi Saravanan

For Respondents: Ms.M.E.Raniselvam
Additional Government Pleader

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. Ms.M.E.Raniselvam, learned Additional Government Pleader takes notice on behalf of the respondents.

3. The prayer in the writ petition is for the issuance of writ of mandamus to direct the respondents to allow the petitioners to continue in service as Sericulture Workers till they complete 60 years of age, as per Fundamental Rule 56(i).

4. The case of the petitioners is that they were initially appointed as Sericulture Workers on daily wage basis during the year 1972. According to the petitioners, the Government issued G.O.Ms.No.25, Handloom, Handicrafts, Textiles and Khadi (G2) Department dated 23.02.2010 regularizing the services of 520 casual labourers working in Sericulture Department who have put in 10 years of service as on 01.01.2006. The Government while regularizing their services have also relaxed Rule 4 of the Tamil Nadu Basic Service Rules, i.e., the Rule relating to recruitment through employment exchange. Therefore, the petitioners bona fide thought their cases will be automatically considered for extending their service till they attain 60 years. However, to their shock and surprise, they were orally directed to retire from service on completion of 58 years, i.e., on 30.06.2016. Hence, the present writ petition seeking the aforesaid relief.

5. When the matter is taken up today for hearing, the learned counsel for the petitioners brought to the notice of this Court, the order passed under similar circumstances in W.P.No.10258 of 2016 dated 18.03.2016, wherein this Court while allowing the writ petition based on the earlier order passed in W.P.No.6543 of 2016 dated 23.02.2016 [L.Amsavani vs. the State of Tamil Nadu rep.by the Secretary, Handloom, Handicrafts, Textiles and Khadi Department], considering the fact that the service of the Sericulture Workers were regularized in the year 2010 itself, had directed the respondents to permit the petitioner therein to continue in service till she completes the age of 60 years. Following the same, she would pray for passing a similar order in this writ petition also.

6. This Court in identical circumstances in W.P.No.10258 of 2016 dated 18.03.2016 has held as follows:

"4. In similar circumstances, this Court has already passed an order dated 23.02.2016 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 21.08.2014 in W.P.(Md.)No.13264 of 2014 (V.Muthiah vs. The State of Tamil Nadu rep.by the Secretary, Handloom, Handicrafts, 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 24.01.2013 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.Amsavani, 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 regularized 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."

6. Considering the facts and circumstances of the case and also taking into account the earlier orders passed by this Court in similar such circumstances, without going into the merits of the matter, this writ petition is also allowed on the same lines. The respondents are directed 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(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Handloom, Handicrafts,
Textiles and Khadi Department,
Fort St.George, Chennai 600 009.
2. The Director,
Department of Sericulture,
Anaimeedu,
Salem 636 001.
3. The Assistant Director,
Department of Sericulture,
Denkanikottai Road,
Dhinor, Hosur,
Krishnagiri District 635 109.

+lcc to the Government Pleader sr.33297
+lcc to Mr.Lesi Saravanan, Advocate Sr.33127

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srg 28.06.2016