

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Appeal No.774 of 2016

1. S.A.Padmanaban
2. S.Rajagopal
3. R.Selvakumar
4. R.Arunachalam
5. P.Ganapathy
6. V.Shanmugam
7. Sudharshan
8. K.Jayakumar
9. N.Viswalingam
- 10.M.Backianathan
- 11.I.Loganathan
- 12.Gnanasekaran
- 13.A.Selvaraj
- 14.P.Assainar

... Appellants/Petitioners

Vs

1. The Principal Secretary to Government,
Environment and Forest (Fr8) Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Tea Plantation Corporation Limited,
Registered Office, TANTEA Complex,
Coonoor - 643 101.
3. Nirmala,
Office Assistant,
TANTEA, Kolapally Tea Division,
Pandalur Taluk, Nilgiris District.
4. Rathinam,
Office Assistant,
TANTEA, Kolappally Tea Division,
Pandalur Taluk,
Nilgiris District.

5. K.Ganeshan,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
6. A.Pappusami,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
7. B.Subramani,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
8. V.Mohana,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
9. Udhaya Kumar,
Office Assistant,
TANTEA, Cherangode Tea Division,
Tantea Complex,
Gudalur, Nilgiris District.
10. L.Stanley,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
11. Ayyappan,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
12. Rajakumari,
Office Assistant,
TANTEA, Lawson Tea Division,
Chinchona Post,
Valparai,
Coimbatore District.

13. Soundararajan,
Office Assistant,
TANTEA, Registered Office,
Tantea Complex, Coonoor,
Nilgiris District.
14. Muthukaruppan,
Office Assistant,
TANTEA, Devala Tea Division,
Gudalur,
Nilgiris District.
15. Veerakannan,
Office Assistant,
TANTEA, Cherangode Tea Division,
Tantea Complex, Gudalur,
Nilgiris District.
16. Pushparaj,
Office Assistant,
TANTEA, Naduvattam Tea Division,
Nilgiris District.
17. P.Balakrishnan,
S/o M.R.Palanisamy,
IC No.998,
37-X, TANTEA Quarters,
Coonoor, The Nilgiris.
18. T.Jayashankar,
S/o Thangaiah,
IC No.1357,
TANTEA Nilliyalam Tea Division,
Kolappalli Post,
Pandalur Taluk,
The Nilgiris.
19. S.Sivasubramani,
S/o Sandanam,
IC No.820,
Pakkasorran Malai,
Nanchuch Post,
Coonoor Taluk, The Nilgiris.

... Respondents

Writ Appeal filed under Clause 15 of the Letter Patents Act against the order made by this Court dated 08.04.2014 made in W.P.No.13844 of 2010.

W.P.No.13844 of 2010 : This Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records on the file of 2nd respondent in proceedings Ref.No.E3/2257/ 2009 (vii) and dated 26.5.2010 and quash the same as illegal incompetent and without jurisdiction and further direct the respondents 1 and 2 to consider the request to regularize the service of the petitioners as office assistants in staff category in 2nd respondent corporation in the time scale of pay on par with the regular Basic Servants.

For Appellants : Mr.Adinarayana Rao.

For Respondents : Mr.I.Inbanathan,
Government Advocate (Forest)
for R1 and R2
No appearance for R3, R4, R6 to R12,
R14 & R15

J U D G M E N T

(Judgment of the Court was made by HULUVADI G. RAMESH, J.)

This Appeal has been filed by the appellants against the order of the learned single Judge made in a writ petition seeking for consideration of their names for the post of Office Assistants based on their past experience and qualification and to regularise the service of the appellants/petitioners as Office Assistants in staff category in 2nd respondent Corporation in the time scale of pay on par with the regular Basic Servants.

2. It is the case of the appellants that they were performing the work of office assistants under staff category for decades and they were paid only wages under the worker category which was far below the salary of office assistants under staff category and they had been performing the work only on the fond hope that they would be regularised under staff category from worker category. The appellants, who are said to have participated in the interview for promotion to the post of office assistants and having come to know that some of the persons are recently promoted from plantation workers to office assistants stating that those persons are qualified, ignoring their seniority and experience, have filed the writ petition.

3. It appears that for want of presence of the counsel for the petitioners, the writ petition came to be disposed of by the learned single Judge. While disposing of the writ petition, the learned single Judge has also observed that whenever the second

respondent, in future, goes to recruit directly to the post of Office Assistants, the petitioners should be given first priority.

4. Learned counsel for the appellants submitted that without affording opportunity to the petitioners, the writ petition was disposed of for want of counsel's presence to make their submission. Learned counsel further submitted that all the appellants are all in the same cadre for more than 30 years and they were not promoted on the basis of seniority. He further submitted that 99% of the appellants have been recently qualified and therefore, the non-consideration of the appellants for promotion to the post of Office Assistants would definitely amount to discrimination and further such consideration of the appellants' name in future may not arise and they will be losing their promotional opportunity. Learned counsel contended that one more opportunity may be given to them to have a say in the matter, so that they would be taken care of and their grievance would be met.

5. Having heard the submission, we are of the view that it would be proper to extend one more opportunity to the appellants/petitioners as a last chance to ventilate their grievance before the learned single Judge to take into consideration all the genuine grievance submitted by the appellants/petitioners and pass appropriate orders. Accordingly, the impugned order dated 08.04.2014 is set aside and the matter is remanded back for fresh disposal. It is for the petitioner / appellants to extend their co-operation for the early disposal of the writ petition before the learned single Judge. The Writ Appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Environment and Forest (Fr8) Department,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Tea Plantation Corporation Limited,
Registered Office, TANTEA Complex,
Coonoor - 643 101.

3. The Section Officer,
Writ Section,
High Court, Madras.

+lcc to Mr.Adinarayana Rao, Advocate, S.R.No.51045
+lcc to the Special Government Pleader(T), S.R.No.51195

Writ Appeal No.774 of 2016

MSM(CO)
CA(26/09/2016)



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