

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.29217 to 29225 of 2016
& W.M.P.Nos.25255 to 25272 of 2016

W.P. No.29217 of 2016

K.Ramamoorthy

.. Petitioner

K. Thangaraj

.. Petitioner in

WP.No.29218 of 2016

V. Sivakumar

.. Petitioner in

WP.No.29219 of 2016

M. Devi

.. Petitioner in

WP.No.29220 of 2016

M. Kumaresan

.. Petitioner in

WP.No.29221 of 2016

D. Balraj

.. Petitioner in

WP.No.29222 of 2016

K. Malathi

.. Petitioner in

WP.No.29223 of 2016

M. Ramani

.. Petitioner in

WP.No.29224 of 2016

N. Karunakaran

.. Petitioner in

WP.No. 29225 of 2016

Vs.

1.Government of Tamil Nadu,
Rep.by its Secretary,
Rural Development and Panchayat
Raj Department,
Fort St.George, Chennai - 600 009.

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2.The Director of Development and
Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.

3.The District Collector,
Office of the District Collector,
Sathuvachari,
Vellore, Vellore District. .. Respondent 1 to 3 in all
WPs

4.The Block Development Officer,
Thimiri Panchayat Union,
Thimiri. .. 4th Respondent in
WP.29217,29219 of 2016

The Block Development Officer,
Mathanus Panchayat Union,
Mathanus,
Vellore District .. 4th Respondent in
WP.No.29218 and 29221 of 2016

The Block Development Officer,
Peranampet Panchayat Union,
Peranampet,
Vellore District .. 4th Respondent in
WP.No.29220 of 2016

The Block Development Officer,
Vellore Panchayat Union,
Vellore .. 4th Respondent in
WP.No.29222 of 2016

The Block Development Officer,
K.V. Kuppam Panchayat Union,
K.V. Kuppam, Vellore District .. 4th Respondent in
WP.No.29223 of 2016

The Block Development Officer,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore .. 4th Respondent in
WP.No.29224 of 2016

The Block Development Officer,
Jolarpettai Panchayat Union,
Jolarpettai, Vellore District .. 4th Respondent in
WP.No.29225 of 2016

5.Punganur Village Panchayat,
Rep.by its President,
Punganur Village and Post,
Vellore District.

.. 5th Respondents in
WP.No.29217 of 2016

Kannady Kuppam Village Panchayat,
Rep.by its President,
Kannady Kuppam Village and Post,
Vellore District

.. 5th Respondent in
WP.No.29218 of 2016

Kavanur Village Panchayat,
Rep.by its President,
Kavanur Village and Post,
Vellore District

... 5th Respondent in
WP.No.29219 of 2016

Rajakkal Village Panchayat,
Rep.by its President,
Rajakkal Village and Post,
Vellore District

... 5th Respondent in
WP.No.29220 of 2016

Palur Village Panchayat,
Rep.by its President,
Palur Village and Post,
Vellore District

... 5th Respondent in
WP.No.29221 of 2016

Usoor Village Panchayat,
Rep.by its President
Usoor Village and Post,
Vellore District

.. 5th Respondent in
WP.No.29222 of 2016

Kaangkuppam Village Panchayat,
Rep.by its President,
Kaangkuppam Village and Post,
Vellore District - 632 209

.. 5th Respondent in
WP.No.29223 of 2016

Paradarami Village Panchayat,
Rep.by its President,
Paradarami Village and Post,
Vellore District

..5th Respondent in
WP.No.29224 of 2016

Yelagiri Village Panchayat,
Rep.by its President,
Yelagiri Village and Post,
Vellore District

.. 5th Respondent in
WP.No.29225 of 2016

The Block Development Officer,
Mathanus Panchayat Union,
Mathanus, Vellore District

The President
Kannady Kuppam Village Panchayat,
Kannady Kuppam, Village and Post,
Vellore District

The President,
Kavanur Village Panchayat,
Kavanur Village and Post,
Vellore District

The Block Development Officer,
Peranampet Panchayat Union
Peranampet, Vellore District

The President
Rajakkal Village Panchayat,
Rajakual Village and Post,
Vellore District

The President
Palur Village Panchayat,
Palur Village and Post,
Vellore District

The Block Development Officer,
Vellore Panchayat Union,
Vellore

The President,
Usoor Village Panchayat
Usoor Village and Post,
Vellore District

The Block Development Officer,
K.V. Kuppam Panchayat Union,
K.V. Kuppam, Vellore District

The President,
Kaang Kuppam Village Panchayat,
Kaang Kuppam Village and Post,
Vellore District 632 209

The Block Development Officer,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore

The President
Paradarami Village Panchayat
Paradarami Village and Post,
Vellore District

The Block Development Officer,
Jolarpettai Panchayat Union,
Jolarpettai, Vellore District

The President, Yelagiri Village Panchayat,
Yelagiri Village and Post,
Vellore District

PRAYER : Writ Petitions been filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records pertaining to and connected with the order in G.O.Ms.No.69 dated 16.06.2016 issued by the first respondent and the consequential order issued by the second respondent in ROC No.25782/2016/NGNREGS-II-2 dated 04.07.2016, quash the same in so far as restricting their work to 100 days in a year and consequently direct the respondents to continue the services throughout the year and without any time or period restriction to his/her work award costs.

For Petitioners : Mr.R.Krishnaswamy
[in all W.Ps.]

For Respondent Nos.1 to 3 : Mr.V.Anandhamoorthy
[in all W.Ps.] Additional Government Pleader

For Respondent Nos.4 & 5 : Mr.P.Karthikeyan
[in W.P.No.29218 of 2016]

For Respondent Nos.4 & 5 : Mr.P.Chinnadurai
[in W.P.No.29219 of 2016] (Government Advocate)

For Respondent Nos.4 & 5 : Mr.D.Surya Narayanan
[in W.P.No.29220 of 2016]

For Respondent Nos.4 & 5 : Mr.Roofus Abraham
[in W.P.No.29221 of 2016]

For Respondent Nos.4 & 5 : Mrs.P.Rajalakshmi
[in W.P.No.29222 of 2016]

For Respondent Nos.4 & 5 : Mr.N.Inbanathan
[in W.P.No.29223 of 2016]

For Respondent Nos.4 & 5 : Mr.N.Sakthivel
[in W.P.No.29224 of 2016]

for R4 & R5 in
WP.No.29217/2016 &
29225 / 2016 No Appearance

C O M M O N O R D E R

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2.The petitioners challenged G.O.Ms.No.69 dated 16.06.2016 and the consequential order dated 04.07.2016 mainly on the ground that they have been assured of continuous employment throughout the year at the time of their appointment, Now under the new G.O., the guaranteed employment is that to be restricted to 100 days whereas in the scheme there is no restriction of 100 days. According to them, it is a perennial one which has to be carried out throughout the year on day-to-day basis and the impugned orders are passed without notice and hence, they seek to quash the same.

3.First of all, the petitioners should have legal right to seek for relief even according to the original order dated 26.03.2015, namely, as per G.O.(Ms) No.47 dated 26.03.2015 what was assured to them is only a 100 days work, which we get at paragraph 3 in clause 4, in which, it is clearly stated that as per 100 days is concerned, it is guaranteed for the first year of implementation for which the workers are engaged and it does not give a permanent job and it is in the scheme it is a policy decision of the Government.

4.In this case, by virtue of G.O.(Ms)No.69 dated 16.06.2016, they approved the guidelines for the implementation of Solid Waste Management activities in all the identified 9,000 Village Panchayats in rural areas during the year 2016-2017 annexed to the order. Therefore, it is not a total go by even by the

Government they have only modified restricting the approved suggestions and recommendations of the authorities concerned, definitely that cannot be a matter of challenge before this Court especially when they have still granted work for 100 days.

5. In fact, in paragraph 7 of G.O.(Ms)No.69 dated 16.06.2016, they specifically earmarked that the Director of Rural Development and Panchayat Raj has stated that since only 100 days of employment is given for Mahatma Gandhi National Rural Employment Guarantee Scheme Workers in a year, new set of MGNREGS Workers as Thooimai Kaavalars should be engaged in the place those, who have completed 100 days in the particular financial year. Similarly, Worksite Supervisors shall also be changed after every 100 days in order to ensure that afresh persons get experience in the Supervision process. The District Collectors shall be requested to organize training to the every fresh batch of MGNREGS workers engaged as Thooimai Kaavalars and Worksite Supervisors on various aspects of SWM activities.

6. In such circumstances, I do not find any reason to interfere with the impugned orders passed by the respondent 1 and 2 and hence, these petitions deserves to be dismissed. Accordingly, these Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sri

To

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

2. The Director of Development and
Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The District Collector,
Office of the District Collector,

Sathuvachari,
Vellore, Vellore District.

4.The Block Development Officer,
Thimiri Panchayat Union, Thimiri.

5.The President,
Punganur Village Panchayat,
Punganur Village and Post,
Vellore District.

6 The Block Development Officer,
Mathanus Panchayat Union,
Mathanus, Vellore District

7 The President
Kannady Kuppam Village Panchayat,
Kannady Kuppam, Village and Post,
Vellore District

8 The President,
Kavanur Village Panchayat,
Kavanur Village and Post,
Vellore District

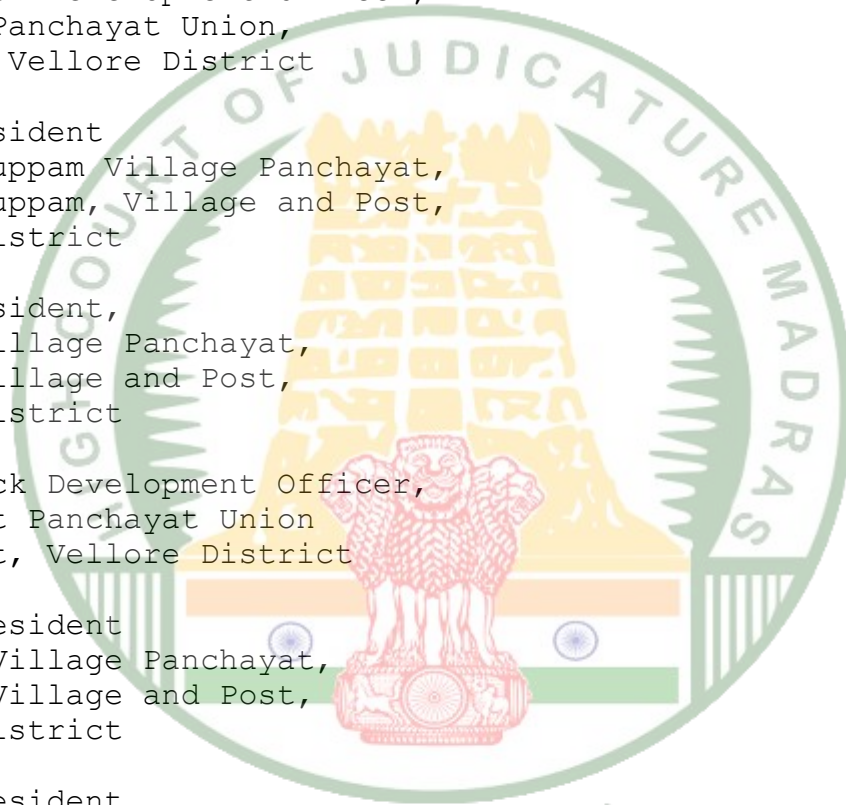
9 The Block Development Officer,
Peranampet Panchayat Union
Peranampet, Vellore District

10 The President
Rajakkal Village Panchayat,
Rajakual Village and Post,
Vellore District

11 The President
Palur Village Panchayat,
Palur Village and Post,
Vellore District

12 The Block Development Officer,
Vellore Panchayat Union,
Vellore

13 The President,
Usoor Village Panchayat
Usoor Village and Post,
Vellore District



14 The Block Development Officer,
K.V. Kuppam Panchayat Union,
K.V. Kuppam, Vellore District

15 The President,
Kaang Kuppam Village Panchayat,
Kaang Kuppam Village and Post,
Vellore District 632 209

16 The Block Development Officer,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore

17 The President
Paradarami Village Panchayat
Paradarami Village and Post,
Vellore District

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Jolarpettai Panchayat Union,
Jolarpettai, Vellore District

19 The President, Yelagiri Village Panchayat,
Yelagiri Village and Post,
Vellore District

+1 CC to Govt., Pleader Sr.No.48038
+1 CC to Mr. P. Chinna Durai, Advocate Sr.No.47974
+1 CC to Mr. D. Suriya Narayanan, Advocate Sr.No.47899
+1 CC to Mr. P. Karthikeyan, Advocate Sr.No.47789
+1 CC Mr. V. Ajoy Khose, Advocate Sr.No.47775

W.P. Nos.29217 to 29225 of 2016

NM (CO)
MD : 03/10/2016

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