

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.43282 & 43283/2016 & WMP.Nos.37124 & 37125/2016

K.Nagarajan .. Petitioner in
WP.No.43282/2016

K.Ganesan .. Petitioner in
WP.No.43283/2016

Vs

1.The District Collector & Chairman
Dharmapuri District Socio Economic
Development Society, District Rural
Development Agency,
Dharmapuri District.

2.The Project Director / Member Secretary
Dharmapuri District Socio Economic
Development Society, District Rural
Development Agency,
Dharmapuri District.

.. Respondents
in both the WPs

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to give posting order to the petitioners equivalent to the post of Assistant Evaluation and Research Officer District Socio Economic Development Society, Dharmapuri District and treat the period from 05.09.2015 and 11.09.2015 respectively as compulsory wait with all consequential benefit such as continuity in service, arrears of salary, pay protection in scale of pay etc.

For Petitioners in
both the Writ Petitions : Mr.V.Suthakar

For R1 & R2 in both
the writ petitions : Mr.K.Dhananjayan,
Spl.GP

COMMON ORDER

By consent, both the writ petitions are taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents in both the writ petitions.

2 The petitioner in WP.No.43282/2016 was initially appointed as Research Investigator at Dharmapuri District Development Corporation, Dharmapuri and the said post was re-designated as Assistant Evaluation and Research Officer in the year 1991. The petitioner would state that as per G.O.Ms.No.257, Agriculture [DPAP Cell] Department, dated 08.07.1996, the Centrally sponsored scheme for Drought Prone Areas Programme [DPAP] was re-structured and the persons working in the said programme were re-deployed to other Districts and consequently, the petitioner was redeployed to Drought Prone Areas Programme / District Rural Development Agency, which is coming under the control of the Department of Rural Development as Assistant Evaluation and Research Officer and was initially posted to Coimbatore District.

3 The petitioner was subsequently transferred to Tamil Nadu Watershed Development Agency / DWDA, Salem District and again to Namakkal and the petitioner had also worked as Project Economist at Tamil Nadu Watershed Development Agency / DWDA, Dharmapuri District. It is further averred by the petitioner that on 05.09.2015, he was surrendered to his parent Department as permission to continue his service in DWDA was not accorded by the Government of Tamil Nadu. The petitioner has also filed WP.No.29992/2015, challenging the proceedings dated 25.08.2015 in respect of surrendering his post of District Socio Economic Development Society and this Court has disposed of the said writ petition on 31.08.2015, directing the respondents therein to pass orders on the representation of the petitioner dated 31.08.2015. Accordingly, the Tamil Nadu Watershed Development Agency has passed an order on 23.10.2015, rejecting the representation of the petitioner on the ground that [a] there is no other equivalent post to that of Project Economist in TAWDEVA ; and [b] that the petitioner cannot be readmitted to the abolished post since it does not exist. The grievance expressed by the petitioner is that he has not been given any posting order in Dharmapuri District Socio Economic Development Society for the past 14 months and the Tamil Nadu Watershed Development Agency has also categorically stated that he has got no lien with them and as a consequence, the petitioner is without salary from 05.09.2015 onwards and therefore, the petitioner came forward to file the present writ petition.

4 The petitioner in WP.No.43283/2016 was initially appointed as Research Investigator at Dharmapuri District Development Corporation, Dharmapuri and is also similarly placed like that of the petitioner in WP.No.43282/2016. Therefore, he has also sought for the prayer similar to that of the petitioner in WP.No.43283/2016.

respondent dated 26.10.2015 addressed to the Executive Director, Tamil Nadu Watershed and Development Agency and would submit that as per the said letter, there is no corresponding category of post available in their office and the petitioners are continued to suffer without salary from 05.09.2015 onwards and in the light of the proceedings of the Executive Director, TAWDEVA dated 23.10.2015 bearing No.2468/TAWDEVA/Admin/2015, the Department of Rural Development Agency has to take appropriate and necessary action.

6 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

7 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit representations to the Director of Rural Development, Panagal Buildings, Saidapet, Chennai-600015 as well as to the Secretary to Government, State of Tamil Nadu, Rural Development Department, Secretariat, Chennai-600 009, as to their non-accommodation and non-payment of salary within a period of two weeks from the date of receipt of a copy of this order and the said officials, on receipt of the said representations, are directed to consider the same on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioners.

8 The writ petitions stand disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

- 1.The District Collector & Chairman
Dharmapuri District Socio Economic
Development Society, District Rural
Development Agency,
Dharmapuri District.

2.The Project Director / Member Secretary
Dharmapuri District Socio Economic
Development Society, District Rural
Development Agency,
Dharmapuri District.

Copy to:-

1.The Secretary to Government
State of Tamil Nadu,
Rural Development Department
Secretariat, Chennai- 600 009.

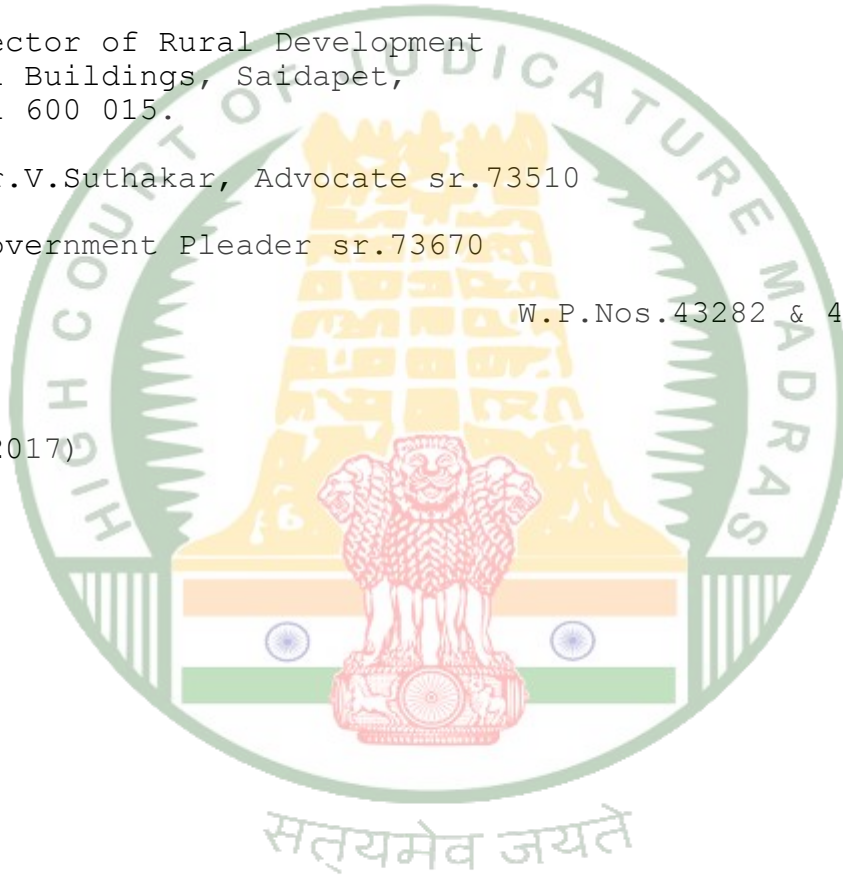
2.The Director of Rural Development
Panagal Buildings, Saidapet,
Chennai 600 015.

+1cc to Mr.V.Suthakar, Advocate sr.73510

+1cc to Government Pleader sr.73670

W.P.Nos.43282 & 43283/2016

gj (co)
ss(12/01/2017)



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