

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.7562 to 7570 of 2016

&

WMP.Nos.6793 to 6800/2016

1. S.Usha .. Petitioner in W.P.No.7562 of 2016
2. C.Murugan .. Petitioner in W.P.No.7563 of 2016
3. E.Gomathi .. Petitioner in W.P.No.7564 of 2016
4. A.Sankari .. Petitioner in W.P.No.7565 of 2016
5. S.Murugaiah .. Petitioner in W.P.No.7566 of 2016
6. Fathimamarry .. Petitioner in W.P.No.7567 of 2016
7. R.Radha .. Petitioner in W.P.No.7568 of 2016
8. N.Rosi .. Petitioner in W.P.No.7569 of 2016
9. K.Gopinath .. Petitioner in W.P.No.7570 of 2016

-vs-

1. The Secretary to Government
Handlooms, Textiles and Khadi Department
Fort St.George
Chennai 600 009 ..Respondent No.1 in all the W.Ps.
2. The Director
Sericulture Department
Nethaji Nagar, Asthampatti
Salem 636 007 ..Respondent No.2 in all the W.Ps.
3. The Assistant Director (Grainage)
Sericulture Department Respondent No.3 in W.P.Nos.7562 &
Hosur ..7569 of 2016
4. The Assistant Director
Sericulture Department Respondent No.3 in W.P.Nos.7563 &
Thiruvannamalai ..7568 of 2016
5. The Assistant Director
Sericulture Department
Erode ..Respondent No.3 in W.P.No.7564 of
2016

6. The Assistant Director
Sericulture Department
Hosur

..Respondent No.3 in W.P.No.7565 of
2016

7. The Assistant Director
Sericulture Department
Tenkasi
Tirunelveli District

..Respondent No.3 in
W.P.No.7566 of 2016

8. The Assistant Director
Sericulture Department
Thalavadi

.. Respondent No.3 in W.P.No.7567 of
2016

9. The Assistant Director
Sericulture Department
Avallapalli at Hosur
Hosur

..Respondent No.3 in W.P.No.7570 of
2016

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in connection with the impugned orders passed by her in Rc.Nos.20954/E4/2015-1,2,8,4,10,6,7,9,3 respectively dated 04.01.2016 and quash the same and further direct the respondents to regularize the petitioners' service and consequently appoint the petitioners as Junior Inspectors of Sericulture within a reasonable time.

For Petitioners :: Mr.S.Sivakumar

For Respondents :: Mrs.A.Srijayanthi
Special Government Pleader

ORDER

All the petitioners have come to this Court challenging the impugned orders passed by the Director of Sericulture, Salem, the second respondent herein dated 4.1.2016, to quash the same with a further direction to the respondents to regularize their services and to consequently appoint them as Junior Inspectors of Sericulture within a reasonable time.

2. Heard Mr.S.Sivakumar, learned counsel for the petitioners and Mrs.A.Srijayanthi, learned Special Government Pleader for the respondents.

3. It is not in dispute that all the petitioners are working in the Department of Sericulture under the respective

third respondent on daily wage basis and have put in considerable length of service. Mrs.S.Usha, the petitioner in W.P.No.7562 of 2016, after completing her Graduation in Commerce with Tamil Typewriting (Higher) and English Typewriting (Lower) and registering her name in the employment exchange in the year 1993, was engaged on 11.7.97 and she has put in nineteen years of service. Mr.C.Murugan, the petitioner in W.P.No.7563 of 2016, after completing his Diploma in Commerce/Co-operation and registering his name in the employment exchange in the year 1996, was engaged on 2.3.99 and he has put in seventeen years of service. Similarly, Ms.E.Gomathi, the petitioner in W.P.No.7564 of 2016, after completing SSLC and registering her name in the employment exchange in the year 2002, was engaged on 9.4.2002 and she has put in thirteen years of service. Ms.A.Sankari, the petitioner in W.P.No.7565 of 2016, after completing her Graduation in Commerce and certificate course in Sericulture with computer skill and registering her name in the employment exchange in the year 1998, was engaged on 2.7.2008 and she has rendered seven years of service. Mr.S.Murugaiah, the petitioner in W.P.No.7566 of 2016, after completing SSLC and registering his name in the employment exchange in the year 1993, was engaged initially from 23.10.86 till 27.3.2002 and again from 18.7.2011, has rendered twenty years of service. Mrs.Fathimamarry, the petitioner in W.P.No.7567 of 2016, after completing SSLC and English Shorthand (Higher) and registering her name in the employment exchange in the year 2013, was engaged on 13.9.2004 and has rendered eleven years of service. Ms.R.Radha, the petitioner in W.P.No.7568 of 2016, after completing her Diploma in Electronics & Communication and certificate course in Sericulture with English Typewriting (Lower) and registering her name in the employment exchange in the year 2012, was engaged on 7.12.2011 and has rendered four years of service. Mrs.N.Rosi, the petitioner in W.P.No.7569 of 2016, after completing SSLC and Diploma in Sericulture and registering her name in the employment exchange in the year 2007, was engaged on 1.4.2004 and has rendered eleven years of service. Mr.K.Gopinath, the petitioner in W.P.No.7570 of 2016, after completing his Higher Secondary Course with certificate courses in Sericulture and computer and registering his name in the employment exchange in the year 1992, was engaged on 1.8.2008 and has rendered seven years of service. Therefore, as claimed by the learned counsel for the petitioners, all the petitioners are entitled to be appointed as Junior Inspectors of Sericulture. While so, the second respondent called for the particulars in pursuance of G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.2.2006 from the respective third respondent to regularise the services of such casual/daily wage workers and the proposals were also duly sent by the respective third respondent. But the second respondent sent the list of 520 workers only to the first respondent and after receipt of the said proposal, the first respondent has

passed the G.O.Ms.No.25, Handlooms, Textiles and Khadi (G2) Department dated 23.2.2010 relaxing the rule in favour of 520 daily wage workers to be brought into the regular time scale of pay.

4. When the matters stand as above, now the second respondent had passed the impugned orders rejecting the claim of the petitioners, completely overlooking the factum of long length of service rendered by them. When the petitioners have been permitted to work under the respective third respondent on daily wage basis, instead of regularising their service, without any justifiable reason, even after passing of the G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.2.2006 and G.O.Ms.No.25, Handlooms, Textiles and Khadi (G2) Department dated 23.2.2010 relaxing the rule in respect of similarly placed persons, the respondents cannot discriminate the petitioners for the benefit of regularisation. Therefore, they have come to this Court.

5. Learned Special Government Pleader for the respondents, on instructions, submitted before this Court that the claim of the petitioners is going to be considered positively, since the second respondent, based on the aforesaid Government Orders, has already sought for the particulars from the respective third respondent and on receipt of the requisite particulars, the second respondent will be making her suitable proposal in respect of the regularisation of the petitioners in the regular time scale of pay to the first respondent and that the first respondent also, on receipt of the proposal from the second respondent, will consider the same within a reasonable time.

6. Recording the statement of the learned Special Government Pleader for the respondents and considering the fact that the petitioners have put in considerable length of service under the respective third respondent, this Court hereby directs the second respondent to make the proposal, on receipt of the requisite particulars about the petitioners, to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal from the second respondent, the first respondent is further directed to consider the same and pass appropriate orders for regularisation of the services of the petitioners in the time scale of pay, in the light of the G.O.Ms.No.25, Handlooms, Textiles and Khadi (G2) Department dated 23.2.2010, within a period of eight weeks thereafter. The first and second respondents are also directed to consider the case of similarly placed persons, who are having the requisite qualification, for the benefit of regularisation in the light of the aforementioned Government Order. With these

observations, the writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.6793 to 6800 of 2016 are closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

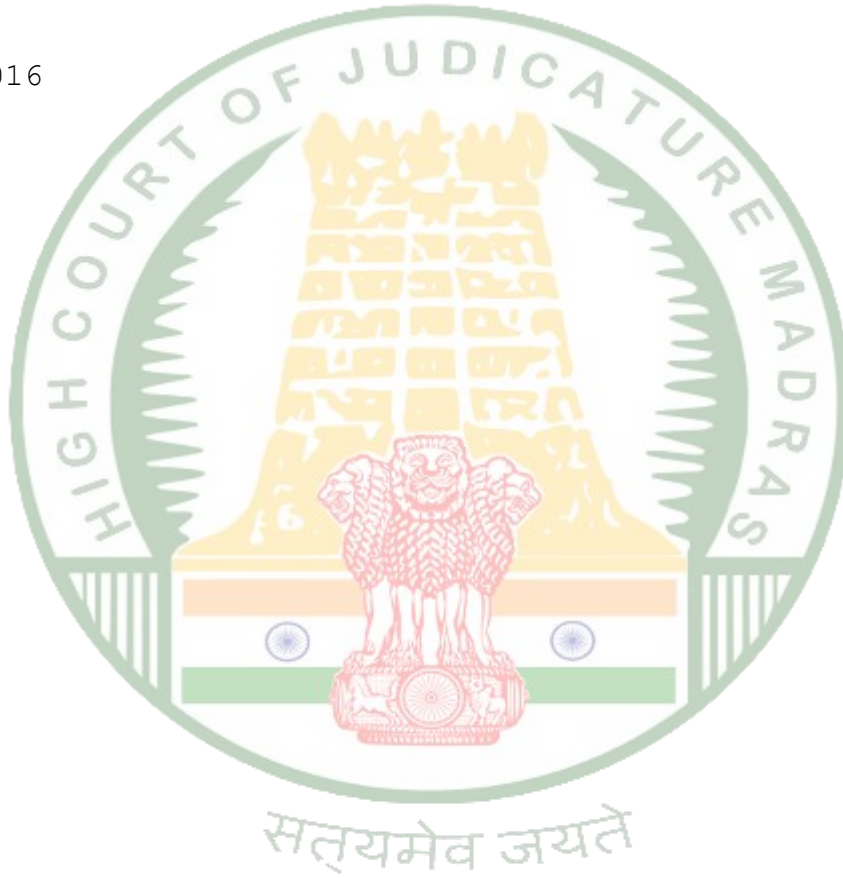
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+9 ccs to Mr.S.Sivakumar Advocate sr.13664 to 13672

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