

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.8979 of 2017 & 28961 of 2014

01. D.P.Arun
02. D.Durga Devi
03. D.Suriyakala
04. S.Rani
05. Sudha
06. N.Balachandar
07. N.Visalatchi
08. S.N.Thilaga
09. R.Saranya
10. N.Yamuna
11. L.Naresh
12. R.Thennarasu
13. G.Amul
14. V.Rajeswari
15. S.Devi
16. J.Naresh Kumar
17. C.Vijayalakshmi
18. V.Saravani
19. K.Pavithra
20. K.Babylakshmi
21. M.Srinivasan
22. M.Prakash
23. R.Geethalakshmi
24. D.Madhankumar
25. S.Mohanaselvan
26. P.Thiruppathi
27. K.Dhinesh
28. S.Sankar
29. R.Kamalakannan
30. N.Anandha Kumar
31. A.Johnpaul Joseph Raj
32. R.Pema
33. N.Guna Sundari
34. C.Sugasini
35. K.Akila
36. G.Anjali
37. R.Thamaraiselvi
38. J.Christy
39. A.Anitha
40. D.Manjula

... Petitioners in W.P.8979 of 2017

01. M.Karuppaiyan
02. P.Manikandan

03. K.Saravanan
04. K.Sankar Anand
05. K.J.Rajaganesh
06. A.B.Rajesh
07. A.Vinothkumar
08. R.Santhoshkumar
09. R.Agilandeewari
10. H.Saranya
11. R.Priya
12. A.Gunasekar
13. R.Nadhiya

... Petitioners in W.P.28961 of 2014

-Vs-

1. The State of Tamil Nadu
Rep by its Secretary
Rural Development and
Panchayat Raj Department
Fort St. George, Chennai 600 009
2. The Commissioner/Director
of Rural Development
Panagal Building
Saidapet, Chennai 600 015
3. The District Collector
Krishnagiri District at Krishnagiri
4. The District Collector
Dharmapuri District at Dharmapuri
5. The District Collector
Vellore District at Vellore
6. The District Collector
Cuddalore District at
Cuddalore

... Respondents in W.P.8979 of 2017

1. The State of Tamilnadu
Rep by its Secretary
Rural Development and
Panchayat Raj Department
Fort St. George
Chennai 600 009
2. The Commissioner/
Director of Rural Development
Panagal Buiding
Saidapet, Chennai 600 015
3. The District Collector
Villupuram District at Villupuram

4. The District Collector
Vellore District at Vellore

5. The District Collector
Thiruvannamalai District
at Thiruvannamalai

... Respondents in W.P.28961 of 2014

W.P.No.8979 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to forthwith consider the claim of the petitioners for absorption of them as Junior Assistants/Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing them to take part in the ensuing Special Qualifying Test to be held pursuant to G.O.Ms.No.37, Rural Development and Panchayat Raj (E5) Department dated 22.3.2017 and by publication of the results thereto.

W.P.No.28961 of 2014 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to forthwith consider the claim of the petitioners for absorption/regularization as Computer Assistants in any of the existing vacancy with all consequential service benefits thereto.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioners were all appointed as Computer Assistants by way of out-sourcing under the respondents in terms of the Mahatma Gandhi National Rural Employment Guarantee Scheme on a consolidated pay of Rs.4,000/- per month. Subsequently, on 4.8.2009, their pay was re-fixed at Rs.7,500/- per month. Again the respondents re-fixed their pay at Rs.11,000/- per month on 15.6.2010. With the aforementioned benefits, the petitioners are all working as Computer Assistants for more than ten years. Thereafter, by proceedings dated 24.5.2013, the second respondent also addressed the respondents/District Collectors for furnishing the list of Computer Assistants senioritywise for absorption in the sanctioned vacancies. It is at this stage the first respondent has issued G.O.(Ms.)No.37, Rural Development and Panchayat Raj (E5) Department dated 22.3.2017 for absorption of 906 Computer Assistants working under the Mahatma Gandhi National Rural Employment Guarantee Scheme as Junior Assistants by way of conducting a special qualifying test through TNPSC and the said Government Order also gives priority to the candidates who were sponsored from the employment exchange and subsequently

completed five years of service. But, in the cases on hand, since the petitioners are all working for more than ten years, hence, they have made representations to the respondents to allow them to take part in the special qualifying test for the purpose of absorption to the said post by considering their continuous employment.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice on behalf of the respondents.

3. Although the petitioners were engaged as Computer Assistants on consolidated pay by way of outsourcing in terms of the Mahatma Gandhi National Rural Employment Guarantee Scheme way back in the year 2007, considering the fact that they are all working for more than ten years, this Court finds no impediment for the respondents to consider their representations. Accordingly, the respondents are directed to consider the representations of the petitioners for allowing them to take part in the ensuing special qualifying test for the post of Junior Assistant as notified in G.O.(Ms.) No.37, Rural Development and Panchayat Raj Department dated 22.3.2017, taking note of their continuous employment, and pass appropriate orders positively within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.9880, 9881, 9250 of 2017 and M.P.No.1 of 2014 are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Rural Development and
Panchayat Raj Department
Fort St.George
Chennai 600 009

2. The Commissioner/Director of
Rural Development
Panagal Building
Saidapet
Chennai 600 015

3. The District Collector
Krishnagiri District at Krishnagiri

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6. The District Collector
Cuddalore District at Cuddalore
7. The District Collector
Villupuram District at Villupuram
8. The District Collector
Thiruvannamalai District at Thiruvannamalai

+2cc's to Mr.L.Chandrakumar, Advocate, S.R.No.5967
+1cc to the Government Pleader, S.R.No.26415

W.P.Nos.8979 of 2017 & 28961 of 2014

KJI (CO)
CA(05/06/2017)



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