

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4959 of 2017

and WMP.Nos.5184 and 5185 of 2017

1.The Welfare Association of
Temporary Data Entry Operators
in Revenue Department,
(Regn.No.121/2016)
Rep. by its President
J.Rajkumar, No.32, Jeeva Nagar,
Thorapadi, Vellore-632 002.

- 2.C.Ezhilarasi
- 3.K.Selvarani
- 4.M.Malathi
- 5.M.Jayachitra
- 6.Rajeswari. R.
- 7.R.Sivakumar
- 8.L.Ganesan
- 9.V.Banu Rekha
- 10.K.Nirmala
- 11.R.Sudha
- 12.K.Prasanna
- 13.V.Athimoolam
- 14.R.Suja
- 15.G.Chellathai
- 16.M.Maheswari
- 17.S.Anand Prem Kumar
- 18.P.Mahesh
- 19.M.Sulaiha Banu
- 20.M.Ravikumar
- 21.R.Selvi
- 22.Ebhesi.Y
- 23.S.Venkataraman
- 24.S.Andal
- 25.S.Arumuga Vadivoo
- 26.X.Anton Gnana Asir
- 27.M.Mariswari
- 28.J.Rajkumar
- 29.G.Perumal
- 30.P.Vasanth
- 31.D.Ramesh Babu
- 32.M.Manju Bhashini Devi
- 33.K.Ramadhevi
- 34.S.Purushothaman

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35.B.Gopi
36.Rajaram.A.
37.Jayanthi.K.
38.Selvi.L.
39.K.Francisca Ezhilarasi
40.Suganthi.R.

.. Petitioners

vs.

- 1.The Government of Tamilnadu,
Rep. by the Secretary,
Revenue Department,
Fort St.George,
Chennai-600 009.
- 2.The Special Commissioner and
Commissioner for Revenue Administration,
Ezhilagam, Chempauk,
Chennai-600 005.
- 3.The District Collector,
Ariyalur District, Ariyalur.
- 4.The District Collector,
Coimbatore District, Coimbatore.
- 5.The District Collector,
Kancheepuram District, Kancheepuram.
- 6.The District Collector,
Tirunelveli District, Tirunelveli.
- 7.The District Collector,
Tiruppur District, Tiruppur.
- 8.The District Collector,
Tiruvannamalai District, Tiruvannamalai.
- 9.The District Collector,
Thoothukudi District, Thoothukudi.
- 10.The District Collector,
Vellore District, Vellore.
- 11.The District Collector,
Villupuram District, Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.(Ms) No.254, Revenue (RA2 (2)) dated 04.10.2016 issued by the first respondent, quash the same insofar as relieving the petitioners from service and directing the respondents to absorb the petitioners and regularize their service in the cadre of typist/junior

assistant by conducting competitive examination through Tamil Nadu Public Service Commission as done in the case of Passport Data Entry Operators employed in Collectorates, Assistant/Junior Assistant employed under Tsunami Relief Scheme, Election works etc within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondent : Mrs.M.E.Raniselvam,
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2.The petitioners association as well as the petitioners would aver among other things that they were appointed as Data Entry Operators on Consolidate Pay in Collectorate and Taluk Offices for the implementation of the distribution of priceless Colour Tv Set, Grinder, Mixie in terms of G.O.Ms.No.10, Revenue (RA VII(2)) Department dated 05.01.2017 and their services have been extended as Data Entry Operator every year and they were working in that capacity for more than 9 years. The petitioners have also submitted representations seeking regularization of their services and in the light of the fact of long years of service, positive recommendation has also been made by the second respondent to the first respondent in Na.Ka.Pani4(1)/37043/2009 dated 31.01.2014. The petitioners have also submitted representations dated 17.10.2016, 16.11.2016, 17.11.2016, 18.11.2016 and 21.11.2016 to the respondents 1 and 2 and despite receipt and acknowledgment, no orders have been passed and hence, came forward with this writ petition.

3. Mr.P.Mani, learned counsel appearing for the petitioners would submit that the services of Junior Assistants who were appointed on Consolidated Pay in Tsunami Relief Scheme were absorbed, vide G.O.Ms.No.332, Revenue (EE4-1) Department dated 16.07.2010 and in the light of the recommendation made by the second respondent, there cannot be any impediment on the part of the first respondent to consider the request of the petitioners positively and prays for appropriate orders.

4. Per contra, Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents would submit that admittedly the services of the petitioners were engaged purely on temporary basis and the Government also took a policy decision, vide G.O.Ms.No.254, Revenue [RA2 (2)] dated 04.10.2016 disbanding their post and even otherwise, the petitioners, as a matter of right, cannot seek for regularization and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioners pray for 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, directs the first respondent to act on the recommendation of the second respondent in proceedings Na.Ka.Pani4(1)/37043/2009 dated 31.01.2014 and consider and dispose of the petitioners' representations dated 21.11.2016 and 22.11.2016 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner association.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,
The Government of Tamilnadu,
Revenue Department,
Fort St.George, Chennai-600 009.
- 2.The Special Commissioner and
Commissioner for Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Ariyalur District, Ariyalur.
- 4.The District Collector,
Coimbatore District, Coimbatore.
- 5.The District Collector,
Kancheepuram District,
Kancheepuram.
- 6.The District Collector,
Tirunelveli District,
Tirunelveli.

7.The District Collector,
Tiruppur District,
Tiruppur.

8.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

9.The District Collector,
Thoothukudi District,
Thoothukudi.

10.The District Collector,
Vellore District, Vellore.

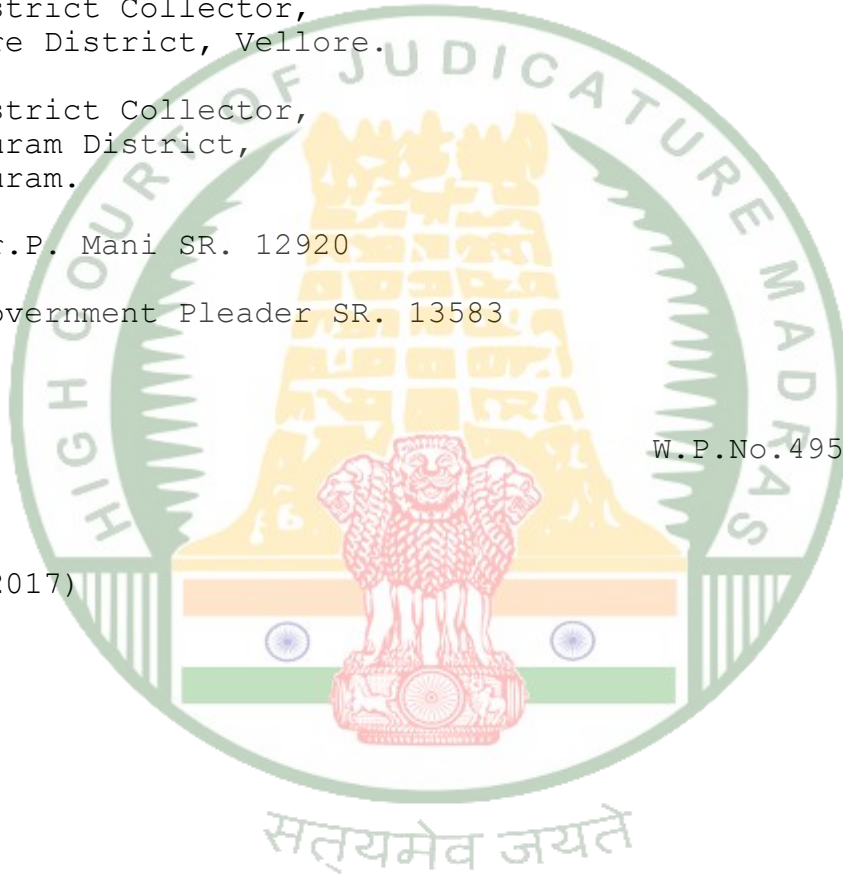
11.The District Collector,
Villupuram District,
Villupuram.

+1cc to Mr.P. Mani SR. 12920

+1cc to Government Pleader SR. 13583

W.P.No.4959 of 2017

RV(CO)
VR(06/03/2017)



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