

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

The Hon'ble Mr.Justice Nooty. Ramamohana Rao
and
The Hon'ble Mr.Justice S.M.Subramaniam

W.P. Nos. 15388 to 15392 of 2017

1. E. Ramesh ... Petitioner in W.P.No.15388 of 2017
2. I.Kamatchi ... Petitioner in W.P.No.15389 of 2017
3. M.Anjalai ... Petitioner in W.P.No.15390 of 2017
4. R.Shanthi ... Petitioner in W.P.No.15391 of 2017
5. P.Ramesh Babu ... Petitioner in W.P.No.15392 of 2017

vs.

1. Government of Tamil Nadu
Represented by Secretary to Government
Home (Courts) Department
Secretariat,
Chennai-600 009.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai -600 009.
3. The Registrar General,
High Court,
Chennai- 600 104.
4. The Principal District Judge,
Villupuram District,
Villupuram. ... Respondents in all W.Ps.

Prayer in all W.P.Nos.15388 to 15392 of 2017 :-

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider to absorb the petitioners in the post of Reader/Examiner/Copyist in any existing vacancies, or next arising vacancy or any other suitable post in the Tamil Nadu Judicial Sub-ordinate Service by framing a Scheme on the lines approved by the Hon'ble Division Bench of this Court, in the light of the Judgment made in W.P.Nos.2206 to 2212 of 2017, dated 01.02.2017, and till then, not to disturb the temporary appointment of the petitioners as temporary Typist.

In all W.Ps.

For petitioners	: Mr. J. Muthukumaran
For Respondents	
1 & 2	: Mr. S. Babu
	Government Advocate
For Respondents	
3 & 4	: Mr. C.T Mohan

COMMON O R D E R

(Order of the Court was delivered by Nooty Ramamohana Rao, J.)

Heard Shri.J. Muthukumaran, the learned counsel appearing for the writ petitioners, Shri.S. Babu, the learned Government Advocate for respondents 1 and 2, and Mr. C.T Mohan, the learned counsel for respondents 3 and 4.

2. All these Writ Petitions are moved by the temporary Typists, who are working in the Special District Court, for the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram. The petitioners claim to be the members, belonging to Scheduled Caste. It is rather unfortunate that, upon being sponsored by the Employment Exchange, Villupuram, they were appointed as Typist on temporary basis, through proceedings of the Principal District Judge, Villupuram, and nearly, for the past 3 years, they have been working on temporary basis.

3. In these circumstances, they sought for writ of mandamus, for directing the respondents 1 to 3 to absorb the petitioners in the post of Reader/Examiner/Copyist, or against any vacancies existing, or likely to arise next in the District Unit. However, when several cases with similar requests and prayers have been brought before us, we had considered the matter in detail, and we have also perused several Judgments rendered by various Division Benches of this Court earlier thereto, and ultimately, we have reached to a conclusion that the prayer sought for, by the writ petitioners therein, either seeking regularization of their service on temporary basis, or to absorb them against any of the existing vacancies, or one such vacancy, which might arise in future, cannot be granted. But, however, taking into account and consideration the fact that they have rendered service continuously for several years, we have granted limited relief, which is reflected in Para Nos.4 and 5 of our order, dated on 01.02.2017, passed in WP. Nos.2206 to 2212 and 2213 to 2218 of 2017, and in this connection, it would be quite apposite to extract those paras, which are as under:-

"4. It is true that having rendered a little more than two years of service and that too satisfaction and then getting out

of employment, such as the Judicial Ministerial Services would cause any amount of heartburn and hardship. But that was reason for us to bend the legal principles backwards and order for consideration of the cases of the writ petitioners exclusively for purposes of filling up of existing vacancies such as Examiner, Reader, Senior Bailiff, Junior Bailiff, Record Keeper, Shroff, Assistant Shroff, Record Clerk and Xerox Operator, lying vacant as of now in various District Courts and small Causes Court, Madras. In the given facts and circumstances, we consider that equities can be stretched a little in favour of the writ petitioners by issuing the following directions:-

(i). As and when any regular recruitment or Temporary appointments are undertaken by the State Government and or in particular by the Principal District Judges/ Court of Small Causes/ High Court as the case may be, the cases of the writ petitioners may be considered duly relaxing the upper age limit to some extent, rounding it off to the nearest whole number such as 3 or 4 as the case may be, corresponding to the length of service put in by the respective petitioners.

(ii). The respective District Employment Officers would also grant similar consideration for the purpose of sponsoring the names of the writ petitioners concerned to any other appointing authority.

(iii) The District Employment Exchange concerned will restore the original seniority of the respective writ petitioners, if at all their names have been struck off/rounded off from their rolls.

5. We only hope that the writ petitioners will not lose hope and would trust that their hard work would pay the necessary dividend at some time or the other.

6. With this, each Writ Petition stands disposed of. "

4. Thus, in the light of the decision rendered by us in the above referred case, let there be same relief granted even in the present cases as well. Accordingly, these Writ Petitions stand disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Government of Tamil Nadu
Home (Courts) Department
Secretariat,
Chennai-600 009.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai -600 009.
3. The Registrar General,
High Court,
Chennai- 600 104.
4. The Principal District Judge,
Villupuram District,
Villupuram.

+5 Ccs to Mr.J. Muthukumaran, Advocate sr 43261
+1 CC to Govt. Pleader sr 43779

W.P. Nos. 15388 to 15392 of 2017

SCD(CO)
sp(04/07/2017)