

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.11.2017
CORAM :
THE HONOURABLE Mr.JUSTICE T.RAJA
W.P.No.29438 of 2017

R.Sudhamani

... Petitioner

Vs.

- 1.The Secretary to the Government of Tamil Nadu
Rural Welfare Department and Panchayatraj,
Fort St. George, Chennai-600 009.
- 2.The Project Director,
Pudhu Vaazhvu Project/Vazhndhu Kattuvom Project,
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.
- 3.The Managing Director cum Chief Executive Officer (CEO),
Tamil Nadu Corporation for Development of Women Ltd./TNSRLM,
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.
- 4.The District Project Manager,
Pudhu Vaazhvu District Society (PVDS),
No.5/243-B, PVK Avenue-1,
Mohanur Road,
Namakkal, Namakkal District. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to reinstate the petitioner's post of Facilitator (Livelihoods) as per the appointment order ROC.NO.183/2009/A1, dated 27.05.2009 and consequently, regularize the petitioner post since 03.06.2011 and to pay the attended benefits of back wages since 03.06.2011 to till date as per the G.O.No.151, dated 16.10.2008 issued by the Social Welfare and Noon Meals Scheme (SN4) Department or to provide alternative employment with the 3rd respondent/Rural Welfare Department within the stipulated time.

For Petitioner : Mr.R.Balaguruswamy

For Respondents : Mr.V.Jayaprakash Narayanan, Spl GP

ORDER

This writ petition has been filed by the petitioner seeking for a mandamus directing the respondents to reinstate her in the post of Facilitator (Livelihoods) as per the appointment order in ROC.No.183/2009/A1, dated 27.05.2009 and also to regularize her service from 03.06.2011, with further direction to pay the attended benefits of backwages since 03.06.2011.

2.Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, took notice to the respondents.

3.It is stated that the petitioner was appointed as Facilitator (Livelihoods) on 03.06.2009 by the District Project Manager, Vazhndhu Kaatuvom District Society, Namakkal (4th respondent herein) vide appointment order in ROC.No.183/2009/A2, dated 27.05.2009. The said appointment order clearly says that the said assignment was offered to the petitioner on a contract basis for a period of two years from the date of signing the contract. Another clause in the Appointment Order dated 27.05.2009 says that if the petitioner's performance is not satisfactory during the said period, the DPMU has the right to terminate her appointment without any further notice. However, the service of the petitioner continued till 30.06.2017. Thereafter, the petitioner was refused employment.

4.The learned counsel appearing for the petitioner, referring to a communication dated 29.06.2017 issued by the Project Director (2nd respondent herein vide his proceedings in Roc.No.1250/PVP-A/2016, submitted that after observing in the said proceedings that the tenure of employment in Pudhu Vaazhu Project comes to an end on 30.06.2017, it has been stated that in the ensuing Tamil Nadu Rural Transformation Project (TNRTP), the Tamil Nadu Pudhu Vaazhu Project staff will be considered based on their eligibility and need of the project. With this brack ground, it is submitted by the learned counsel appearing for the petitioner that when the petitioner was appointed on 27.05.2009 only for a period of two years with a condition that the service can be utilized subject to her performance, after accepting the satisfactory service rendered by the petitioner, she was allowed to continue her service till 30.06.2017, ie., for a period of eight long years. In the meanwhile, the petitioner stands over aged and she will not be able to compete in any other tests for employment. Hence, unless the respondents allow to continue the service of the petitioner, she would be put to a great hardship.

5.It is seen that the letter dated 29.06.2017 issued by the Project Director (R2) clearly shows that after ending the project for which the petitioner was appointed on contract basis, the Project Director has also informed the petitioner

that her service will be considered based on the eligibility and need of the project. Therefore, the respondents shall act on the basis of the undertaking given in the letter dated 29.06.2017, as and when any need arises, by giving priority to the petitioner.

With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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- 4.The District Project Manager,
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No.5/243-B, PVK Avenue-1,
Mohanur Road,
Namakkal, Namakkal District.

+1cc to Mr.R.Balagurusamy, Advocate Sr.No.81868

+1cc to Government Pleader SR.No.82429

W.P.No.29438 of 2017

sm:3.1.2017