

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.29628 of 2010

and

M.P.No.1 of 2010

1. A.Narayanasamy
2. M.Balamurugan
3. M.Ramasamy

...Petitioners

Vs.

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai-600 009.
2. The Secretary to Government,
Educational Department,
Fort St. George,
Chennai-600 009.
3. The Collector,
Tiruvannamalai District,
Tiruvannamalai.
4. The Block Development Officer,
Panchayat Union Office,
Pudupalayam Village,
Chengam Taluk,
Tiruvannamalai District.

5. The District Employment Office,
Thiruvannamalai.

... Respondents

(R5-Impleaded as per order
dated 07.12.2011 by MMSJ
in M.P.No.1 of 2011 in
W.P.No.29628 of 2010)

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to accommodate and give postings to the petitioners (erstwhile employees of Continuing Education Scheme) in any departments/state undertakings, based on the petitioners'

qualifications as was done in the case of Census employees, within a time to be fixed by this Court.

For Petitioners : Mr.A.Sivaji

For Respondents : Mr.S.V.Duraisolaimalai
AGP for R1 to 3 & R5
: Mr.P.S.Sivashanmugasundram for R4

ORDER

The petitioners have approached this Court seeking the following relief:

'To issue a writ of Mandamus directing the respondents to accommodate and give postings to the petitioners (erstwhile employees of Continuing Education Scheme) in the any departments/state undertakings, based on the petitioners' qualifications as was done in the case of Census employees, within a time to be fixed by this Court.'.

2. There are three petitioners and according to them, they were employed in respect of certain schemes introduced by the Government of India from the Human Resource Development Department to uplift the poor people residing in rural places. The petitioners were appointed as an alternative education innovative motivator under such scheme viz., Sarva Shiksha Abhiyan Scheme (Education to all) called SSA Scheme on a consolidated salary. Thereafter, the petitioner was appointed under "Arivoli Valarkalvi Thittam" as Organisers. They were employed during 2004-05 and thereafter continued till 2012-13. It appears that since the scheme has been discontinued, the petitioners services came to be discharged.

3. The grievance of the petitioners is that instead of re-appointment in any department, their service stood terminated as the scheme was discontinued. According to them, in similar circumstances, the Government had passed orders re-employing such employees and accommodated them in various departments and such benefits can also be granted to the petitioners herein.

4. Upon notice, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader entered appearance on behalf of respondents 1 to 3 and 5 and Mr.P.S.Sivashanmugasundaram, the learned counsel entered appearance for the fourth respondent and they submitted that since the scheme itself was discontinued in 2009, no further employment was made available to accommodate the petitioners. The petitioners were originally appointed only on consolidated salary and they were not subjected to selection for

public employment. Therefore, the question of accommodating the petitioners in other departments on regular basis did not arise at all.

5. Although the learned counsel for the petitioners attempted to convince this Court that they were continuously employed for seven years and therefore, they are entitled to be considered along with other similarly placed persons, but the petitioners grievance cannot be answered in this writ petition for the reason that they are originally appointed only under the scheme. Once the schemes have been wound up, the question of accommodating them in any department does not arise at all. Moreover, the qualifications and other essential requirements for accommodating them in other Government Departments have to be looked into and the petitioners cannot straight away seek for their absorption in other Government departments regardless of the fact whether they have the required qualification for further employment or not.

6. In these circumstances, this Court does not find any merit in the writ petition and therefore, the same is dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai-600 009.

2. The Secretary to Government,
Educational Department,
Fort St. George,
Chennai-600 009.

3. The Collector,
Tiruvannamalai District,
Tiruvannamalai.

4. The District Employment Office,
Thiruvannamalai

+1 CC to Mr.A. Sivaji, Advocate sr 85619.
+1 CC to Govt. Pleader sr 86403.

W.P.No.29628 of 2010
and
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SP (02/01/2018)



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