

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/11/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Appeal No.1594 of 2017

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  
Villupuram District  
Villupuram.
4. The District Collector  
Vellore District  
Vellore.
5. The District Collector  
Tiruvannamalai District  
Tiruvannamalai.

...Appellants

Vs

1. M. Karuppaiyan
2. P. Manikandan
3. K. Saravanan
4. K. Sankar Anand
5. K.J.Rajaganesh
6. A.B.Rajesh
7. A. Vinothkumar
8. R. Santhosh Kumar
9. R. Agilandeewari
10. H. Saranya
11. R. Priya
12. A. Gunasekar
13. R. Nadhiya

...Respondents

Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 27/4/2017 made in W.P.No.28961 of 2014.

W.P.No.28961 of 2014:

Writ Petition 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 appellants ... Mr.P.S.Sivashanmuga Sundaram

#### J U D G M E N T

(Judgment of the Court was made by S.MANIKUMAR, J)

Challenge in this appeal is to an order made in W.P.No.28961 of 2014, dated 27/4/2017, by which the writ Court, directed the appellants herein, to consider the representations of the respondents therein, for allowing them to take part in the special qualifying test, for the post of Junior Assistant, as notified in G.O.Ms.No.37 Rural Development and Panchayat Raj (E5) Department, Chennai, dated 22/3/2017, taking note of their continuous employment.

#### 2. Facts leading to the appeal are as hereunder:-

The respondents/petitioners were appointed as Computer Assistants, by way of outsourcing, under the appellants/respondents, in terms of Mahatma Gandhi National Rural Employment Guarantee scheme, on a consolidated pay of Rs.4,000/- p.m. Subsequently, on 4/8/2009, their pay was re-fixed at Rs.7,500/- p.m. Again, on 15/6/2010, the appellants re-fixed their pay at Rs.11,000/- p.m.

3. The respondents/petitioners are working as Computer Assistants, for more than ten years. By proceedings, dated 24/5/2013, the Commissioner/Director of Rural Department/second respondent, addressed the District Collectors, to furnish the list of Computer Assistants seniority wise, for absorption in the sanctioned vacancies. It is at this stage, the first appellant 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, sponsored from the employment exchange and subsequently, completed five years of service. Since the

respondents/petitioners are working for more than ten years, they made representations to the appellants, 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. Considering the fact that the respondents are working for more than ten years, the writ Court, vide common order in W.P.Nos.8979 of 2017, 28961 of 2014, has directed the representations to be considered.

4. Assailing the correctness of the same, State of Tamil Nadu, represented by its Secretary, Rural Development and Panchayat Raj Department, Chennai and four others, have filed the instant appeal, on the grounds inter alia that there are only two ways of getting appointment in Government service - one, through competitive examination and the other, through employment exchange. The respondents have entered through back door i.e., they were employed by outsourcing, and therefore, cannot be treated equivalent to the candidates sponsored by the employment exchanges, and entered Government service, after a long wait in the seniority and appointed on merit, after passing a written test and following rule of reservation.

5. It is further submitted that the respondents were appointed only on contract basis, and by outsourcing method, without reference to employment seniority, and the Government have not committed to their permanent employment. G.O.(MS) No.84, Rural Development and Panchayat Raj (CGS I) Department, dated 4/8/2009, has been issued stating that the said posts shall be continued only upto the existence of the scheme (NREZGS) or the necessity of the posts ceases, whichever is earlier. These conditions for engagement of the respondents in the job were already fixed and no saving clause was made by the Government, till date.

6. In G.O.Ms.No.37, Rural Development and Panchayat Raj Department, dated 22/3/2017, Government have ordered that the computer assistants who were appointed, under MGNREGS through employment exchange, on merit, after passing written test and duly following the rule of reservation are to be absorbed, as Junior Assistants, by conducting a special qualifying test by TNPSC in the posts already sanctioned, under MGNREGS only and to follow rule of reservation.

7. Appointment of the respondents/writ petitioners was not made on the basis of Tamil Nadu State and Subordinate Service Rules or any other rule for recruitment. Hence they are not entitled 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.

8. Heard Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the appellants and perused for the materials available on record.

9. G.O.Ms.No.153 reads as follows:-

Sanction of Computer Assistants and Technical Assistants  
in six districts

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Rural Development and Panchayat Raj (CGS I) Department  
G.O.(Ms) No. 153 Dated : 20.10.2006

1. Joint Secretary to Government of India, Ministry of Rural Development, New Delhi D.O. Letter No. V. 28012/3/05-06/NREGA, Dated 10.1.2006.
2. Director of Rural Development and Panchayat Raj, Letter No. 114726/05 TNREGS-1 Dated 24.7.2006 and 4.9.2006.
3. G.O. Ms. No. 89, Rural Development and Panchayat Raj (CGS I) Department, Dated 2.8.2006.

#### ORDER

The Tamil Nadu Rural Employment Guarantee Scheme under the National Rural Employment Guarantee Act, 2005 was launched on 2.2.2006 in Six Districts, i.e., Cuddalore, Villupuram, Tiruvannamalai, Nagapattinam, Dindigul and Sivaganga of Tamilnadu. Under this Scheme, Rs.65.84 crores was received during 2005-06 and for this financial year (2006-07) an initial instalment of Rs.98.89 crores was received in May 2006. It is expected that Rs.402.78 crores is likely to be available for the six districts. The average allocation per Village Panchayat will work out to Rs.10.5 lakhs, each Block on an average would receive Rs.4.4 crores and the district average allocation would be Rs.67.13 crores.

2. In the D.O. letter first read above, the Government of India have suggested an administrative model to be placed for effective supervision and monitoring of this scheme, expenditure on which would be booked under the 2% administrative expenditure as indicated below for each block.

| S.No | Category of Staff                          | Annual Expenditure |
|------|--------------------------------------------|--------------------|
| 1.   | Block Programme Officer @ Rs.20,000/- p.m. | Rs.2,40,000/-      |
| 2.   | 1 Technical Assistant @ Rs.8,000/- p.m.    | Rs.96,000/-        |
| 3.   | 1 Accounts Assistant @ Rs.8,000/- p.m.     | Rs.96,000/-        |
| 4.   | 1 Computer Assistant @ Rs.8,000/- p.m.     | Rs.96,000/-        |
|      | Total                                      | Rs,5,28,000/- p.a. |

3. In a slight modification of the Government of India model, the Director of Rural Development and Panchayat Raj in his letter second read above, has proposed to create two posts of Computer Assistants and two Technical Assistants for each Block. This is absolutely essential for the successful implementation of the scheme as these posts are required on account of the special nature of work that are closely associated with this scheme such as weekly payment of wages to the workers, monitoring and supervision at frequent intervals etc., as the existing staff working under the control of Block Development Officer (Village Panchayat) in connection with the execution of scheme works that are entrusted to Village Panchayats, such as Indira Awaas Yojana (IAY), Swarnajayanti Gram Swarozgar Yojana (SGSY), Total Sanitation Campaign (TSC), State Finance Commission (SFC), Central Finance Commission (CFC) etc., could not handle this work also. He has also requested that one Technical Assistant for every ten Village Panchayats may be sanctioned. Without these posts the huge allocation of about Rs 1 crore per annum for ten Village 7. NREGS-TN 425 Panchayats on an average cannot be effectively monitored as the scheme envisages weekly payment and other administrative, technical and supervisory works for which this post will be extremely useful. The anticipated total expenditure per annum for the Block level technical staff and one Technical Assistant for every ten Panchayats would be as follows:

|       |                                                                      |                |
|-------|----------------------------------------------------------------------|----------------|
| (i).  | Two Computer Assistants per block @ Rs.4,000/- p.m (90 blocks)       | Rs.0.86 crores |
| (ii). | Two Technical Assistants per Block @ Rs.4000/- per month (90 blocks) | 0.86 crores    |

|       |                                                                                     |                |
|-------|-------------------------------------------------------------------------------------|----------------|
| (iii) | One Technical Assistant per 10 pts. @ Rs.4000/- per month (3830 Village Panchayats) | Rs.1.84 crores |
|       | Total                                                                               | Rs.3.56 crores |

The Director of Rural Development and Panchayat Raj has also suggested the qualification and mode of recruitment for the said posts.

4. After careful examination of the recommendations of the Director of Rural Development and Panchayat Raj, the Government sanction the following posts in the six districts viz., Cuddalore, Villupuram, Tiruvannamalai, Nagapattinam, Dindigul and Sivaganga, where the Tamil Nadu Rural Employment Guarantee Scheme is under implementation till the scheme is in existence or the necessity of the post ceases whichever is earlier.

(i) 180 posts of Computer Assistants and 180 posts of Technical Assistants (two posts of Computer Assistant and two posts of Technical Assistant for each of the 90 blocks in six districts).

(ii) 383 posts of Technical Assistants at the rate of one for every ten Village Panchayats in six districts.

(iii) For Computer Assistants (two per block), the Collectors shall recruit the eligible persons by calling for a list from the Employment Exchange or through outsourcing them on contract basis by prescribing a qualification of "Degree in Computer Applications or Computer Science". They shall be paid Rs.4000/- per month on consolidated pay.

(iv) The selection of two Technical Assistants per block and one for every ten Village Panchayats shall be made by calling for the list from the Employment Exchange and conducting a simple test for them or by outsourcing them locally on contract basis and place them on consolidated pay of Rs.4,000/- per month. The qualification for the post of Technical Assistant shall be "Diploma / Degree in Civil Engineering".

5. The Collectors of Cuddalore, Villupuram, Tiruvannamalai, Nagapattinam, Dindigul and Sivaganga are requested to take immediate action for placement of personnel sanctioned in para 4 above and send a completion report to Government through the Director of Rural Development and Panchayat Raj .

6. This order issues with concurrence of Finance Department vide its U.O. No.62141/RD/06 Dated: 10.10.2006.

(By order of the Governor)

K. ASHOK VARDHAN SHETTY  
SECRETARY TO GOVERNMENT

10. G.O.Ms.No.115, reads as follows:-

Sanction of 102 additional posts of Computer Assistants/ 263  
Additional posts of Technical Assistants for Phase II NREGS-TN  
districts

Rural Development and Panchayat Raj (CGS I) Department

G.O. (Ms) No. 115

Dated: 2.7.2007

Read:

1. G.O.Ms.No.153, Rural Development and Panchayat Raj Department, (CGS -1) Department, Dated 20.10.2006.
2. Joint Secretary (National Rural Employment Guarantee Act) Ministry of Rural Development, Department of Rural Development, Government of India D.O.Lr.No.PS/JS(S)/NREGA, dated 23.3.2007.
3. Director of Rural Development and Panchayat Raj D.O.Lr.No.88649/06/ TNREGS-1, dated 22.4.2007.

#### ORDER

In the Government Order first read above, 180 posts of Computer Assistants and 180 posts of Technical Assistants (two posts of Computer Assistants and two posts of Technical Assistants for each of the 90 blocks) and 383 posts of Technical Assistants at the rate of one for every 10 Village Panchayats in the Six National Rural Employment Guarantee Scheme Districts viz., Cuddalore, Villupuram, Tiruvannamalai, Nagapattinam, Dindigul and Sivagangai were sanctioned for the effective implementation of the scheme.

2. In the D.O.letter second read above the Government of India have notified four new districts viz., Thanjavur, Thiruvarur, Thirunelveli and Karur in Tamil Nadu for implementation of National Rural Employment Guarantee Act in the second Phase of expansion with effect from 1.4.2007.

3. In the D.O.letter third read above the Director of Rural Development and Panchayat Raj has submitted a proposal to the Government for sanction of 102 posts of Technical Assistants, 102 posts of Computer Assistants ( for Blocks) and 161 posts of

Technical Assistants (for Village Panchayats) for the above 4 new NREGA districts. He has stated that these four Districts have received Rs.12.00 crores as initial instalment of Central assistance. The Administrative and Technical set up in the Blocks needs to be strengthened. This scheme involves special nature of works, such as registration of households seeking wage employment, issue of Job Cards, deployment of work force with works taken up under the scheme, preparation of Nominal Muster Rolls, computing of value of works turned out, weekly payment of wages to the works, Monitoring and supervision at frequent intervals. He has therefore stated that the newly sanctioned districts under National Rural Employment Guarantee Act require additional workforce to implement the scheme in a successful manner in the districts as the Government have already sanctioned the following posts in the Government Order first read above.

- a) Computer Assistants @ Two per Block.
- b) Technical Assistants @ Two per Block.
- c) Technical Assistants @ One per 10 Village Panchayats.

4. The Director of Rural Development and Panchayat Raj has stated that there are 51 Blocks and 1602 Village Panchayats in the newly added four Districts. He has therefore requested that 102 Technical Assistant Posts, 102 Computer Assistant Posts, at the rate of 2 per Block and 161 Technical Assistant posts at the rate of 1 for every 10 Village Panchayats at a consolidated pay of Rs.4000/- may be sanctioned. The pay of these personnel will be paid through the administrative expenses of NREG scheme which is permitted upto 4% of the total grants given by the Government of India under National Rural Employment Guarantee Act. The Director of Rural Development and Panchayat Raj has stated that the number of staff thus required and the anticipated expenditure per annum will be as under:-

| DISTRICT         | NO. OF<br>BLOCKS | NO. OF<br>VILLAGE<br>PANCHAYA<br>TS | NO. OF<br>TECHNICA<br>L<br>ASSISTAN<br>TS @ 2<br>PER<br>BLOCK | No. OF<br>COMPU<br>TER<br>ASSIS-<br>TANTS @ 2<br>PER BLOCK | NO. OF<br>TECHNI-<br>CAL<br>ASSISTANT<br>@ 1 PER<br>10 VILLAGE<br>PANCHAYATS |
|------------------|------------------|-------------------------------------|---------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------|
| THANJAVUR        | 14               | 590                                 | 28                                                            | 28                                                         | 59                                                                           |
| THIRUVARUR       | 10               | 430                                 | 20                                                            | 20                                                         | 43                                                                           |
| THIRUNEL<br>VELI | 19               | 425                                 | 38                                                            | 38                                                         | 43                                                                           |



| DISTRICT | NO. OF<br>BLOCKS | NO. OF<br>VILLAGE<br>PANCHAYA<br>TS | NO. OF<br>TECHNICA<br>L<br>ASSISTAN<br>TS @ 2<br>PER<br>BLOCK | No. OF<br>COMPU<br>TER<br>ASSIS-<br>TANTS @ 2<br>PER BLOCK | NO. OF<br>TECHNI-<br>CAL<br>ASSISTANT<br>@ 1 PER<br>10 VILLAGE<br>PANCH<br>YATS |
|----------|------------------|-------------------------------------|---------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------|
| KARUR    | 8                | 158                                 | 16                                                            | 16                                                         | 16                                                                              |
| TOTAL    | 51               | 1602                                | 102                                                           | 102                                                        | 161                                                                             |

Anticipated total expenditure per annum :

|     |                                                                                                     |                 |
|-----|-----------------------------------------------------------------------------------------------------|-----------------|
| I   | Two computer Assistants per block @ Rs.4,000/- per month (51 block)                                 | Rs.48.96 lakhs  |
| Ii  | Two technical assistants per block @ Rs.4,000/- per month (51 blocks)                               | Rs.48.96 lakhs  |
| Iii | One technical assistant per 10 village panchayats @ Rs.4,000/- per month (1,602 Village Panchayats) | Rs.77.28 lakhs  |
|     | Total                                                                                               | Rs.175.20 lakhs |

5. The Director of Rural Development and Panchayat Raj has stated that for Computer Assistant posts, the Collectors may be permitted to recruit the eligible persons by calling for a list from Employment Exchange or through outsourcing them on contract basis by prescribing a minimum qualification of "Degree in Computer Applications or Computer Science". He has stated further that the selection of Technical Assistant Posts may be made by calling for the list from the Employment Exchange and by conducting a simple test for them or by outsourcing them locally on contract basis. The Director of Rural Development and Panchayat Raj has suggested that the minimum qualification for the post of Technical Assistant shall be "Diploma in Civil Engineering".

6. The Government after careful examination have decided to accept the above proposal of the Director of Rural Development and Panchayat Raj. Accordingly, the Government sanction the following posts to the newly added 4 NREGA Districts viz., Thanjavur, Tiruvarur, Tirunelveli and Karur.

(i) 102 posts of Computer Assistants and 102 posts of Technical Assistants (two posts of Computer Assistants and two posts of Technical Assistants for each of the 51 blocks in four districts as mentioned in para 4 above.

(ii) 161 posts of Technical Assistants at the rate of one for every ten Village Panchayats in the 4 Districts as mentioned in para 4 above.

7. The Government direct that the Collectors of the concerned Districts shall recruit the eligible persons for the post of Computer Assistants by calling for a list from the Employment Exchange or through outsourcing them on contract basis by prescribing a minimum qualification of "Degree in Computer Applications or Computer Science". They shall be paid Rs.4,000/- per month as consolidated pay.

8. The Government further direct that the Collectors of the concerned Districts shall recruit the Technical Assistant Posts by calling for the list from the Employment Exchange and by conducting a simple test for them or by outsourcing them locally on contract basis. The qualification for the post of Technical Assistants shall be "Diploma in Civil Engineering". They shall be paid Rs.4,000/- per month as consolidated pay.

9. The Collectors of Thanjavur, Tiruvarur, Tirunelveli, and Karur Districts are directed to take immediate action for placement of the personnel sanctioned in para 6 above.

10. This order issues with concurrence of Finance Department vide its U.O.No.16/SS(PK)/ RD/07, dated 8.6.2007.

(By order of the Governor)

K.DEENABANDU  
SECRETARY TO GOVERNMENT (i/c)

11. G.O.Ms.No.27 reads as follows:-

Implementation of National Rural Employment Guarantee Scheme in all Districts of Tamil Nadu except Chennai - Sanction of additional administrative staff and additional allotment of fuel for effective implementation of the scheme.

Rural Development & Panchayat Raj (CGS-1) Department

G.O.Ms.No.27

Dated 20.2.2008.

Read:

1. G.O. (D) No.524, Rural Development & Panchayat Raj (CGS1) Dept., dated 4.9.2006.
2. G.O. Ms.No.153, Rural Development & Panchayat Raj (CGS1) Dept., dated 20.10.2006
3. G.O. Ms.No.114, Rural Development & Panchayat Raj (CGS1) Dept., dated 2.7.2007.
4. G.O. Ms.No.115, Rural Development & Panchayat Raj (CGS1) Dept., dated 2.7.2007.
5. G.O.Ms.No.174, Rural Development & Panchayat Raj (CGS1) Dept., dated 15.10.2007.
6. Government of India, Ministry of Rural Development, NREGA Division, Lr.No.28012/3/05-06 dated 30.3.2007.
7. Government of India, Ministry of Rural Development, Letter No.28112/10/2005 - NREGA dated 8.10.2007
8. G.O. Ms.No.7 Rural Development & Panchayat Raj (CGS1) Dept., dated 10.1.2008.
9. Director of Rural Development & Panchayat Raj Lr.No.30081/2007/NREGS-2 dated 21.1.2008.

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ORDER:

The Government of India in the letter 7th read above, had notified the extension of National Rural Employment Guarantee Scheme in the remaining 20 districts of the State of Tamil Nadu with effect from 1.4.2008. Based on the notification of the Government of India, the State Government had also issued an extraordinary gazette notification in the G.O. 8th read above, for the extension of National Rural Employment Guarantee Scheme to the remaining 20 districts of Tamil Nadu with effect from 1.4.2008.

2. The Director of Rural Development and Panchayat Raj has stated that considering the importance of the scheme and on the analogy of additional staff and fuel sanctioned to 10 National Rural Employment Guarantee Scheme districts (Phase I & Phase II), additional staff and fuel may also be sanctioned for the 20 new National Rural Employment Guarantee Scheme districts (Phase - III) with effect from 1.4.2008, besides additional fuel for the vehicle for Assistant Executive Engineers (RD) for all the 30 National Rural Employment Guarantee Scheme districts.

3. The Government after careful examination of the proposal of the Director of Rural Development and Panchayat Raj have

decided to sanction the additional administrative staff, additional fuel for block vehicles for 20 Phase-III National Rural Employment Guarantee Scheme districts and sanction additional fuel for the vehicles for Assistant Executive Engineers (RD) for all 30 National Rural Employment Guarantee Scheme districts as detailed below:

(i) Additional Administrative Staff:

| S.No. | Level | Name of Post                       | No. of Posts per block/DRDA | Total No. of Posts | District                     |
|-------|-------|------------------------------------|-----------------------------|--------------------|------------------------------|
| 1.    | Block | Dy.BDO                             | 1                           | 244                |                              |
|       |       | Assistant                          | 1                           | 244                |                              |
|       |       | Computer Assistant                 | 2                           | 488                |                              |
| 2.    | DRDA  | Superintendent in the level of BDO | 1                           | 20                 | 20 phase III NREGS Districts |
|       |       | Assistant                          | 1                           | 20                 |                              |
|       |       | Computer Assistant                 | 1                           | 20                 |                              |

(ii) Additional Fuel for Block Jeeps:

Sanction 50 litres of fuel additionally per month (thereby raising the fuel ceiling to 200 litres per month) to each of the two jeeps available in 244 blocks of Phase III, 20 National Rural Employment Guarantee Scheme districts with effect from 1.4.2008.

(iii) Additional fuel for Jeeps of Assistant Executive Engineers : Sanction 75 litres of fuel additionally per month over and above the existing allocation of 125 liters (thereby raising the fuel ceiling to 200 litres per month) for the jeep of the Assistant Executive Engineers (RD) of Phase I and Phase II National Rural Employment Guarantee Scheme districts with immediate effect and for Phase III districts i.e. 20 districts with effect from 1.4.2008 and also to other new subdivisions that are created in future in the districts.

(iv) Selection of Computer Assistants shall be made as per the conditions already ordered.

(v) The above posts shall be continued only up to the existence of the scheme (National Rural Employment Guarantee Scheme) or the necessity of the posts ceases whichever is earlier.

4. The Director of Rural Development and Panchayat Raj is directed to take immediate action for placement of the personnel sanctioned in para 3 above from the date of implementation of the National Rural Employment Guarantee Scheme in the Phase III districts (20 districts). The expenditure will be charged to the National Rural Employment Guarantee Scheme.

5. This order issues with the concurrence of the Finance Department vide its U.O.No.267/FS/P/08, dated 28.1.2008.

(By order of the Governor)

K. ASHOK VARDHAN SHETTY,  
Special Commissioner & Secretary to Government.

12. G.O.Ms.No.84 reads as follows:-

National Rural Employment Guarantee Act - Implementation in all Districts of Tamil Nadu except Chennai - Creation of additional Computer Assistant posts, Assistant Engineer/Junior Engineer for new technical sub-division and enhancing the consolidated pay of Computer Assistant from Rs.4000/- to Rs.7500/- .

Rural Development and Panchayat Raj (CGS.1) Department

G.O. Ms. No.84

Dated: 4.8.2009

Read:

- (1) G.O. Ms. No.153, Rural Development and Panchayat Raj (CGS.1) Department dated 20.10.2006.
- (2) G.O. (D) No.115, Rural Development and Panchayat Raj (CGS.1) Department dated 2.7.2007.
- (3) G.O. (D) No.174, Rural Development and Panchayat Raj (CGS.1) Department dated 15.10.2007.
- (4) G.O. Ms. No.51, Rural Development and Panchayat Raj (CGS.1) Department dated 28.3.2008.
- (5) G.O. Ms. No.52, Rural Development and Panchayat Raj (CGS.1) Department dated 28.3.2008.
- (6) G.O. Ms. No.53, Rural Development and Panchayat Raj (CGS.1) Department dated 28.3.2008.
- (7) Government of India, Ministry of Rural Development NREGA Division Lr. No. J-11011/18/2007-NREGA dated .3.2009
- (8) Commissioner of Rural Development and Panchayat Raj Letter Roc. No.25172/2009/NREGS.I(1) dated 3.7.2009.

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ORDER:

In the orders first to sixth read above additional posts of Computer Assistant, Assistant Executive Engineer and supporting staff were created for implementation of NREGS in all Districts.

2. In the letter 7th read above, the Ministry of Rural Development, Government of India has enhanced the administrative expenses from 4% to 6% of the annual cost of implementing National Rural Employment Guarantee Scheme (NREGS).

3. In the letter 8th read above, the Commissioner of Rural Development and Panchayat Raj has stated that the actual administrative expenditure incurred in Tamil Nadu i.e. the pay and allowances of NREGS staff sanctioned and non-salary/ non-recurring expenditure was Rs.44.77 crores in 2008-09 which was only 2.6% to the Labour Budget of 2008-09 as against the then limit of 4%.

4. The approved Labour Budget for the year 2009-10, is Rs.1963 crores. Even though the Labour Budget has increased considerably and the Scheme has taken off substantially in all the districts, substantial gaps in the NREGS staffing pattern are seen in Tamil Nadu particularly in the MIS wing, grievance redressal wing and technical wing. In order to implement the NREGS effectively and efficiently, it is felt necessary to create the following additional posts under NREGS administrative expenses.

(i) Sanction of Additional Computer Assistant Posts at Block Level:

At present there are 2 sanctioned posts of Computer Assistants (on consolidated pay) in each Block. As per Government of India stipulation, a large number of Village Panchayat-wise MIS entries relating to NREGS are to be made on-line, on a daily basis.

Therefore, additional sanction of Computer Assistant posts is necessary to update the on-line entries Village Panchayat-wise at Block level, as shown in the Table below:

Table

| S.No<br>. | No. of<br>village<br>panchayats<br>in a block | No. of<br>blocks | No. of<br>computer<br>assistant<br>posts<br>required<br>per block | Total |
|-----------|-----------------------------------------------|------------------|-------------------------------------------------------------------|-------|
| (1)       | (2)                                           | (3)              | (4)                                                               | (5)   |
| 1         | Upto 20<br>village<br>panchayats              | 98               | 2                                                                 | 196   |
| 2         | 21 to 35<br>Village<br>panchayats             | 118              | 3                                                                 | 354   |
| 3         | 36 to 50<br>village<br>panchayats             | 115              | 4                                                                 | 460   |
| 4         | Above 51<br>village<br>panchayats             | 54               | 5                                                                 | 270   |
|           | Total                                         | 385              |                                                                   | 1280  |

Deducting the 770 posts (385 x 2) already available, an additional 510 (1280-770) Computer Assistant posts need to be sanctioned at the Block Level.

(ii) Sanction of Computer Assistant posts at District Level:

(a) The present strength of a total of 31 Computer Assistants at the District level (1 per District) is inadequate given the workload involved. Therefore, 31 additional Computer Assistant posts, attached to the DRDA technical wing may be sanctioned at the rate of 1 per District.

(b) One additional Computer Assistant is required to operate the NREGS "Help Line facilities", to be established as per the announcement of the Hon'ble Deputy Chief Minister on the floor of the Tamil Nadu Legislative Assembly. Therefore, 31 posts of Computer Assistant for Helpline at the rate of one post in each District (except Chennai) may be sanctioned.

(c) In all, 62 additional posts of Computer Assistants (31+31) may be sanctioned at the District level.

(d) It is also proposed to raise the consolidated pay of the NREGS Computer Assistants from Rs.4,000/- to Rs.7,500/- per

month in order to ensure parity with the Computer Assistants working in TEAP and ETRP Projects who are paid Rs.7,500/- per month vide G.O.Ms.No.710, Revenue (NC.IV.I) Department, dated 12.12.2008.

(iii) One post of Assistant Engineer/Junior Engineer in each of the 32 newly created sub-divisions under NREGS:

The Government have created 32 new sub-divisions during 2008 using NREGS funds. Apart from the 32 new sub-divisions, there are 68 older sub-divisions in the districts, which have got the posts of an Assistant Engineer/Junior Engineer and a Junior Draughting Officer (JDO) on the technical side to assist the Assistant Executive Engineer (RD). However, the 32 new sub-divisions, have only a JDO post and have not been sanctioned an Assistant Engineer/Junior Engineer post to assist the Assistant Executive Engineer (RD). The post of Assistant Engineer/Junior Engineer is essential to assist the Assistant Executive Engineer (RD) in technical scrutiny of estimates, bills and other matters. Each sub-division handles works to the tune of Rs.45 crores in a year. The creation of 32 posts of Assistant Engineer/Junior Engineer at the rate of one for each new technical sub-division using NREGS funds so as to achieve parity with the 68 older sub-divisions in the Districts is quite essential.

5. The Government, after careful examination, have decided to accept the proposal and issue the following orders:

(1) The following norms shall be adopted for creation of posts of Computer Assistants at the Block level for implementation of NREGS.

Table

| S.No<br>. | No. of<br>village<br>panchayats<br>in a block | No. of<br>blocks | No. of<br>computer<br>assistant<br>posts<br>required<br>per block | Total |
|-----------|-----------------------------------------------|------------------|-------------------------------------------------------------------|-------|
| (1)       | (2)                                           | (3)              | (4)                                                               | (5)   |
| 1         | Upto 20<br>village<br>panchayats              | 98               | 2                                                                 | 196   |
| 2         | 21 to 35<br>Village<br>panchayats             | 118              | 3                                                                 | 354   |



| S.No . | No. of village panchayats in a block | No. of blocks | No. of computer assistant posts required per block | Total |
|--------|--------------------------------------|---------------|----------------------------------------------------|-------|
| 3      | 36 to 50 village panchayats          | 115           | 4                                                  | 460   |
| 4      | Above 51 village panchayats          | 54            | 5                                                  | 270   |
|        | Total                                | 385           |                                                    | 1280  |

(2) Accordingly, the Government sanction the creation of 510 additional posts of Computer Assistant (Total No. of posts 1280 as per the norms above - existing posts 770 = 510 new posts) at the Block level on consolidated pay.

(3) Sanction the creation of 31 posts of additional Computer Assistant at the rate of 1 per district and these posts shall be attached to the technical 4 wing of the District Rural Development Agency concerned (except Chennai) on consolidated pay.

(4) Sanction the creation of 31 posts of Computer Assistant for operating the Helpline at District level at the rate of one post in each District (except Chennai) on consolidated pay.

(5) The consolidated pay of the Computer Assistants is enhanced from Rs.4000/- per month to Rs.7500/- per month (existing and new posts).

(6) The posts of Computer Assistant now sanctioned shall be filled up through the employment exchange in accordance with the qualification and procedures already ordered.

(7) Sanction the creation of 32 posts of Assistant Engineer/Junior Engineer at the rate of one post each to the 32 newly created sub-divisions under NREGS as per Annexure.

(8) The above posts shall be continued only upto the existence of the scheme (NREGS) or the necessity of the posts ceases whichever is earlier.

(9) The Salary and other related expenditure on account of these posts shall be met out of the administrative expenditure allowed

under NREGS.

5. This order issues with the concurrence of the Finance Department vide its U.O. No.1968/FS/P/09, dated 20.7.2009.

(By order of the Governor)

NIRANJAN MARDI,  
SECRETARY TO GOVERNMENT. (i/c)

Annexure to G.O. Ms. No.84, Rural Development and Panchayat Raj  
(CGS.1) Department, dated 4.8.2009

Details of Assistant Engineer/Junior Engineer (RD) posts  
sanctioned to the newly created NREGS sub-divisions

| S.No. | District       | Name of<br>NREGS<br>Sub-Division | No. of AE (RD) Posts |          |
|-------|----------------|----------------------------------|----------------------|----------|
|       |                |                                  | Existing             | Proposed |
| 1.    | Kancheepuram   | Lathur                           | 0                    | 1        |
| 2.    | Thiruvallur    | Minjur                           | 0                    | 1        |
| 3.    | Cuddalore      | Kurinjipadi                      | 0                    | 1        |
| 4.    | Villupuram     | Villupuram                       | 0                    | 1        |
| 5.    |                | Gingee                           | 0                    | 1        |
| 6.    |                | Ulundurpet                       | 0                    | 1        |
| 7.    | Vellore        | Madhanur                         | 0                    | 1        |
| 8.    |                | Arcot                            | 0                    | 1        |
| 9.    | Tiruvannamalai | Chengam                          | 0                    | 1        |
| 10.   |                | Polur                            | 0                    | 1        |
| 11.   |                | Vandavasi                        | 0                    | 1        |
| 12.   | Salem          | Athur                            |                      | 1        |
| 13.   | Namakkal       | Rasipuram                        | 0                    | 1        |
| 14.   | Dharmapuri     | Morapur                          | 0                    | 1        |
| 15.   | Krishnagiri    | Denkanikottai                    | 0                    | 1        |
| 16.   | Tiruppur       | Kangeyam                         | 0                    | 1        |
| 17.   | Erode          | Udumalpet                        | 0                    | 1        |

| S.No. | District       | Name of NREGS Sub-Division | No. of AE (RD) Posts |          |
|-------|----------------|----------------------------|----------------------|----------|
|       |                |                            | Existing             | Proposed |
| 18.   | The Nilgiris   | Anthiyur                   | 0                    | 1        |
| 19.   | Thanjavur      | Kothagiri                  | 0                    | 1        |
| 20.   | Nagapattinam   | Orathanadu                 | 0                    | 1        |
| 21.   | Tiruvarur      | Sirkali                    | 0                    | 1        |
| 22.   | Pudukottai     | Thiruthuraipoondi          | 0                    | 1        |
| 23.   | Madurai        | Annavasal                  | 0                    | 1        |
| 24.   | Dindigul       | Thirumangalam              | 0                    | 1        |
| 25.   | Ramanathapuram | Vadasandur                 | 0                    | 1        |
| 26.   |                | Vathalagundu               | 0                    | 1        |
| 27.   | Ramanathapuram | Mudukulathur               | 0                    | 1        |
| 28.   | Virudhunagar   | Srivilliputhur             | 0                    | 1        |
| 29.   | Sivagangai     | Thirupathur                | 0                    | 1        |
| 30.   |                | Illayankudi                | 0                    | 1        |
| 31.   | Tirunelveli    | Valliyoor                  | 0                    | 1        |
| 32.   | Thoothukudi    | Thiruchendur               | 0                    | 1        |
|       |                | Total                      |                      | 32       |

NIRANJAN MARDI,  
SECRETARY TO GOVERNMENT. (i/c)

13. G.O.Ms.No.69 reads as follows:-

Sanction of Additional Posts for Mahatma Gandhi National Rural Employment Guarantee Schemes (MGNREGS) - Implementation in all Districts except Chennai - Additional posts to strengthen the implementation of the Scheme at State, District and Block level - Sanctioned - Orders - issued.

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Rural Development and Panchayat Raj (CGS.1) Department.

G.O. (Ms) No. 69

Dated : 15.06.2010  
Read :

- (1) G.O. (Ms) No. 153, Rural Development and Panchayat Raj (CGS.1) Department, dt. 20.10.2006.
- (2) G.O. (D) No. 115, RD & PR (CGS.1) Dept, dt. 2.7.2007.
- (3) G.O. (D) No. 174, RD & PR (CGS.1) Dept, dt. 15.10.2007.
- (4) G.O. (Ms) No. 51, RD & PR (CGS.1) Dept, dt. 28.3.2008.
- (5) G.O. (Ms) No. 52, RD & PR (CGS.1) Dept, dt. 28.3.2008.
- (6) G.O. (Ms) No. 53, RD & PR (CGS.1) Dept, dt. 28.3.2008.
- (7) G.O. (Ms) No. 84, RD & PR (CGS.1) Dept, dt. 4.8.2009.
- (8) Government of India, Ministry of Rural Development, NREGA Division, Letter No. J-11011/18/2007-NREGA, dated March, 2009.
- (9) Commissioner of Rural Development and Panchayat Raj Letter Roc.No.25172/2009/ NREGS.1 (1), dated 11.5.2010.

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ORDER:

In the Government Orders first to seventh read above, additional posts were sanctioned for implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in all Districts except Chennai. In the letter eighth read above Government of India have increased the administrative expenditure from 4% to 6% under Mahatma Gandhi National Rural Employment Guarantee Scheme.

2. The Commissioner of Rural Development and Panchayat Raj in his letter ninth read above has proposed the following additional staff for strengthening the implementation of MGNREGS - Tamil Nadu. -2- (1) Tamil Nadu is having 12,620 Village Panchayats and it is not feasible to have separate MIS staff in each and every Village Panchayat. However, since the MGNREGS works are in progress in all the Village Panchayats, the weekly expenditure must be entered through MIS for all the Village Panchayats every week. As per Government of India stipulation, the following MIS entries are to be made on-line for all Village Panchayats.

- (1) Registration of name of workers
- (2) Issue of Job Cards
- (3) Demand of work
- (4) Issue of NMRs
- (5) Receipt of funds from District and disbursement to Village Panchayats
- (6) Work Profile
- (7) Payment of wages
- (8) Registration of Complaints and redressal.

The present strength of the Computer Assistant cannot undertake the entire online workload and it is necessary to deploy one post of Computer Assistant at Block and District level.

- (2) With the increase in daily minimum wage from Rs.80/- to

Rs.100/- and with the increased awareness about the Scheme among the public, the Scheme is expected to be carried out in all the Village Panchayats throughout the year. Therefore, it is necessary to sanction additionally one post of Deputy Block Development Officer and one post of Assistant to each Block and one post of Block Development Officer, one post of Assistant and one post of Junior Assistant at the District level to each over and above the existing sanctioned strength.

(3) To cope up with the increased workload and to look after the scheme, it is necessary to create exclusively one post of Additional Director of Rural Development, one post of Block Development Officer and 2 posts of Assistant at the Commissioner of Rural Development and Panchayat Raj office.

(4) At present there is one post of Overseer sanctioned for every 8 Village Panchayats. With the increase in minimum wages from Rs.80 to Rs.100 the workers turn out in MGNREGS-TN is more throughout the year. Therefore, it has been proposed that 2 (two) Overseer posts per Block may be additionally sanctioned in the 18 Districts of Tiruvallur, Kancheepuram, Vellore, Tiruvannamalai, Cuddalore, Villupuram, Thanjavur, Thiruvarur, Nagapattinam, Pudukottai, Tiruchirappalli, Perambalur, Ariyalur, Karur, Namakkal, Salem, Dharmapuri and Krishnagiri, where the MGNREGS workload is heavier and 1 (one) Overseer post per Block in the remaining 13 Districts of Ramanathapuram, Sivaganga, Virudhunagar, Madurai, Dindigul, Theni, Tirunelveli, Thoothukudi, Kanniyakumari, Erode, Coimbatore, Tiruppur and The Nilgiris. Totally 618 Overseer posts may be sanctioned.

The details of various posts proposed by the Commissioner of Rural Development and Panchayat Raj is tabulated below:

| S.NO.<br>(1) | OFFICE<br>(2)                                          | NAME OF THE POST<br>(3)   | TOTAL NO. OF<br>POSTS<br>(4) |
|--------------|--------------------------------------------------------|---------------------------|------------------------------|
| 1            | Director of Rural Development and Panchayat Raj Office | Additional Director       | 1                            |
| 2            | - do -                                                 | Block Development Officer | 1                            |
| 3            | - do -                                                 | Assistant                 | 2                            |
| 4            | District                                               | Block Development Officer | 31                           |
| 5            | - do -                                                 | Assistant                 | 31                           |
| 6            | - do -                                                 | Junior Assistant          | 31                           |

| S.NO.<br>(1) | OFFICE<br>(2) | NAME OF THE POST<br>(3)                | TOTAL NO. OF<br>POSTS<br>(4) |
|--------------|---------------|----------------------------------------|------------------------------|
| 7            | - do -        | Computer Assistant                     | 31                           |
| 8            | Block         | Deputy Block<br>Development<br>Officer | 385                          |
| 9            | - do -        | Assistant                              | 385                          |
| 10           | - do -        | Computer assistant                     | 385                          |
| 11           | - do -        | Overseer                               | 618                          |
|              |               | TOTAL                                  | 1,901                        |

4. The Government, after careful examination have decided to accept the proposal of the Commissioner of Rural Development and Panchayat Raj and sanction the creation of 1901 additional posts in various categories as detailed below:

(i) One post of Additional Director of Rural Development, one post of Block Development Officer and 2 posts of Assistants in the Office of the Director of Rural Development and Panchayat Raj.

(ii) 31 posts of Block Development Officers (One post for each District except Chennai)

(iii) 385 posts of Deputy Block Development Officers (One post for each block)

(iv) 416 posts of Assistants (at the rate of one post for each block and one post for each District except Chennai (385 blocks+31 Districts)).

(v) 31 posts of Junior Assistants (one post for each District )

(vi) 416 posts of Computer Assistants at the rate of one post for each District and one post for each block (31 Districts and 385 Blocks)

(vii) 618 posts of Overseers at Block level, at the rate of two posts for each Block in the districts of Tiruvallur, Kancheepuram, Vellore, Tiruvannamalai, Cuddalore, Villupuram, Thanjavur, Thiruvarur, Nagapattinam, Pudukottai, Tiruchirappalli, Perambalur, Ariyalur, Karur, Namakkal, Salem, Dharmapuri and Krishnagiri and one post in each Block in the districts of Ramanathapuram, Sivaganga, Virudhunagar, Madurai, Dindigul, Theni, Tirunelveli, Thoothukudi, Kanniyakumari, Erode, Coimbatore, Tiruppur and The Nilgiris.

5. The Government also order that,

(a) The posts of Overseers and Computer Assistants sanctioned shall be filled up through the Employment Exchange in accordance with the qualifications and the selection procedures already ordered. The Director of Rural Development and Panchayat Raj shall ensure that this is done expeditiously.

(b) The above posts shall be continued only upto the existence of this Scheme or the necessity of the posts ceases whichever is earlier.

(c) The salary and other related expenditure on account of these posts shall be met out of the administrative expenditure allowed under MGNREGS.

(d) The staff appointed against these posts shall also attend to such other Schemes as may be assigned to them from time to time.

6. This order issues with the concurrence of the Finance Department vide its U.O.No.1153/FS/P/2010, dated 20.5.2010.

(BY ORDER OF THE GOVERNOR)

K. ASHOK VARDHAN SHETTY,  
PRINCIPAL SECRETARY TO GOVERNMENT.

14. G.O.Ms.No.37 reads as follows:-

Establishment \_ Absorption of 906 Computer Assistants working under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) as Junior Assistants \_ Downgrade posts of Assistants as Junior Assistants created for MGNREGS \_ Orders \_ Issued.

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Rural Development and Panchayat RaJ (E5) Departmrnts

G.O(Ms)No.37

Dated: 22.03.2017.

Read:

(1) G.O.(Ms)No.153, Rural Development and Panchayat Raj  
(CGS1)

Department, dated 20.10.2006.

(2) G.O. Ms)No.115, Rural Development and Panehayat Raj  
(CGS1)

Department, dated 02.07.2007.

(3) G O.(Ms)No.174, Rural Development and Panchayat Raj  
(CGS1)

Department, dated 15.10.2007.

(4) G.O.(Ms)No.51, Rural Development and Panchayat Raj  
(CGS1)

Department, dated 28.03.2008.

(5) G.O.(Ms)No.52, Rural Development and Panchayat Raj  
(CGS1)

- Department, dated 28.03.2008.
- (6) G.O.(Ms)No.53, Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 28.03.2008.
- (7) G.O.(Ms)No.27. Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 20.02.2008.
- (8) G.O.(Ms)No.164, Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 21.10.2008.
- (9) G.O.(Ms)No.84, Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 04.08.2009.
- (10) G.O.(Ms)No.691, Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 15.06.2010.
- (11) G.O.(Ms)No.157, Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 22.10.2013.
- (12) G.O.(Ms)No.161, Rural Development and Panchayat Raj  
(CGS1)
- Department, dated 24.10.2013.
- (13) From the DRD&PR, Letter Rc.No.991120101B1, dated  
20.07.2015,  
03.08.2015 and 29.11.2016.
- (14) From the Secretary, TNPSC, Letter No.6594/CO-C3/2015,  
dated  
23.03.2016.

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ORDER:

In the letter thirteenth read above, the Director of Rural Development and Panchayat Raj has stated that 1791 posts of Computer Assistants were sanctioned in the consolidated pay as detailed below:

| Sl. No. | Name of the Post    | No.of Posts Created | G.O.No. and date in which the posts were sanctioned                                      |
|---------|---------------------|---------------------|------------------------------------------------------------------------------------------|
| 1.      | Computer Assistants | 180                 | G.O.(Ms)No.153, Rural Development and Panchayat Raj (CGS1) Department, dated 20.10.2006. |
|         |                     | 102                 | G.O.(Ms)No.115, Rural Development and Panchayat Raj (CGS1) Department, dated 02.07.2007. |



|  |       |      |                                                                                           |
|--|-------|------|-------------------------------------------------------------------------------------------|
|  |       | 1    | G.O.(Ms)No.174, Rural Development and Panchayat Raj (CGS1) Department, dated 15.10.2007.  |
|  |       | 518  | G.O.(Ms)No.27, Rural Development and Panchayat Raj (CGS1) Department, dated 20.02.2008.   |
|  |       | 572  | G.O.(Ms).No.84, Rural Development and Panchayat Raj (CGSI) Department, dated 04.08.2009.  |
|  |       | 416  | G.O.(Ms)No.69, Rural Development and Panchayat Raj (CGS1) Department, dated 15.06.2010.   |
|  |       | 2    | G.O.(Ms).No.161, Rural Development and Panchayat Raj (CGS1) Department, dated 24.10.2013. |
|  | Total | 1791 |                                                                                           |

Further necessary instructions were Issued in G.O.(Ms)No.115, Rural Development and Panchayat Raj (CGS-1) Department, dated 02.01.2007 for selection of Computer Assistants.

2. As per the recommendation of the steering Committee for MGNREGS meeting held on 30.04.2013, 770 Permanent Posts of Computer Assistants are to be created in the time scale equivalent to Junior Assistant (5200-20200 + GP 2000) @ 2 per Block. Likewise 31 Permanent Posts at DRDA to be created @ 1 per DRDA.

3. The Director of Rural Development and Panchayat Raj had sent a proposal to the Government to create 801 Computer Assistant posts as per the recommendation of Steering Committee. Finance Department, in its remarks has stated that, if the salary cost of SGRY now booked under the State budget is ordered to be booked under the administrative cost of MGNREGS as suggested by State Planning Commission, the existing administrative cost may not be sufficient to meet the expenditure. Hence, any addition to the administrative cost of MGNREGS may not be possible. The Finance Department has requested to examine the possibility to absorb maximum number of Computer Assistants as Junior Assistants by one time relaxation of the reservation as per the existing Government orders.

4. The Director of Rural Development and Panchayat Raj has therefore sent a revised proposal therein he has stated that to absorb all Computer Assistants as Junior Assistants, 858 Assistant posts created under MGNREGS in all Districts in the Government Orders 1<sup>st</sup> to 12<sup>th</sup> read above for MGNREGS may be converted into Junior Assistant posts. Already, there exists 51 Junior Assistant posts under MGNREGS. Then, totally 909 (858+51) (858 Assistant posts to be converted as Junior Assistant posts + 51 Junior Assistant posts) will be available under MGNREGS scheme.

5. The Director of Rural Development and Panchayat Raj has further stated that only 906 Computer Assistants who have completed 5 years as on 30.09.2015 are working in District Rural Development Agencies and in Blocks under MGNREGS. All these 906 Computer Assistants are recruited through Employment exchange following due procedures and communal rotation. The details of District wise Computer Assistants completed 5 years of service are given below:

| 5 years completion - Details of District wise Computer Assistants |                |                                                           |                                    |                                     |                                                        |
|-------------------------------------------------------------------|----------------|-----------------------------------------------------------|------------------------------------|-------------------------------------|--------------------------------------------------------|
| SL. No.                                                           | District       | Total No. of persons selected through Employment exchange | 5 years completion as on 31.7.2015 | 5 years completion as on 10.08.2015 | Persons completing 5 years From 11.8.2015 to 30.9.2015 |
| 1.                                                                | Kancheepuram   | 20                                                        | 18                                 | 2                                   |                                                        |
| 2.                                                                | Tiruvallu      | 38                                                        | 34                                 | 2                                   | 2                                                      |
| 3.                                                                | Cuddalore      | 27                                                        | 25                                 |                                     | 2                                                      |
| 4.                                                                | Villupuram     | 81                                                        | 76                                 | 5                                   |                                                        |
| 5.                                                                | Vellore        | 35                                                        | 35                                 |                                     |                                                        |
| 6.                                                                | Tiruvannamalai | 50                                                        | 45                                 | 1                                   | 2                                                      |
| 7.                                                                | Salem          | 48                                                        | 45                                 | 1                                   | 2                                                      |
| 8.                                                                | Namakkal       | 33                                                        | 33                                 |                                     |                                                        |
| 9.                                                                | Dharmapuri     | 17                                                        | 17                                 |                                     |                                                        |
| 10.                                                               | Krishnagiri    | 6                                                         | 6                                  |                                     |                                                        |
| 11.                                                               | Erode          | 28                                                        | 28                                 |                                     |                                                        |
| 12.                                                               | Coimbatore     | 18                                                        | 16                                 | 1                                   | 1                                                      |
| 13.                                                               | Tiruppur       | 30                                                        | 29                                 |                                     | 1                                                      |
| 14.                                                               | The Nilgiris   | 10                                                        | 9                                  |                                     | 1                                                      |

|       |                 |     |     |    |    |
|-------|-----------------|-----|-----|----|----|
| 15.   | Thanjavur       | 43  | 37  | 2  | 4  |
| 16.   | Nagapattinam    | 22  | 22  |    |    |
| 17.   | Tiruvarur       | 40  | 39  |    | 1  |
| 18.   | Tiruchirappalli | 36  | 33  |    | 3  |
| 19.   | Karur           | 16  | 15  | 1  |    |
| 20.   | Ariyalur        | 23  | 20  |    | 3  |
| 21.   | Perambalur      | 13  | 13  |    |    |
| 22.   | Pudukottai      | 42  | 37  | 3  | 1  |
| 23.   | Madurai         | 20  | 19  | 1  |    |
| 24.   | Theni           | 14  | 13  | 1  |    |
| 25.   | Dindigul        | 13  | 13  |    |    |
| 26.   | Ramanathapuram  | 33  | 32  | 1  |    |
| 27.   | Virudhunagar    | 36  | 32  | 2  | 2  |
| 28.   | Sivagangai      | 42  | 42  |    |    |
| 29.   | Tirunelveli     | 36  | 35  |    | 1  |
| 30.   | Thoothukudi     | 19  | 9   | 9  | 1  |
| 31.   | Kanniyakumari   | 19  | 18  | 1  |    |
| Total |                 | 908 | 845 | 33 | 28 |
|       |                 |     | 906 |    |    |

6. The Director of Rural Development and Panchayat Raj has further requested the Government to issue orders for absorption of these Computer Assistants as Junior Assistants who were appointed under MGNREGS through Employment Exchange and working till date.

7. In this regard Tamil Nadu Public Service Commission has been consulted and the commission has offered its views as follows:-

"the Commission has discussed the subject in depth and decided that the  
Computer Assistant may be absorbed as Junior Assistant after conducting a Special Qualifying Test for them".

8. The Government after careful examination of the proposal of the Director of Rural Development and Panchayat Raj has decided to accept the same. Accordingly, the Government order as follows:

(i) To downgrade 858 posts of Assistants created for MGNREGS as Junior Assistants so as to absorb 906 Computer Assistants, who have completed 5 years of service as on 30.09.2015 working under MGNREGS and in the existing vacancies of Junior Assistant posts created for MGNREGS in the Junior Assistant time scale or pay.

(ii) To issue necessary amendments to the Special Rules for Tamil Nadu Ministerial Service after absorption.

(iii) These Computer Assistants are to be absorbed as Junior Assistants by conducting a special qualifying test by TNPSC in the posts already sanctioned under MGNREGS only, to follow rule of reservation. Hence, if the MGNREG Scheme stopped, the measures to be taken by the Government for the present staff working under MGNREGS will also be applicable to these Computer Assistants who are to be absorbed as Junior Assistants.

(iv) The vacancies arises out of absorbing the Computer Assistants as Junior Assistants should not be filled through outsourcing and the work may be continued to be discharged by the Junior Assistants as they are already trained in Computer.

9. The Director of Rural Development and Panchayat Raj is requested to verify the antecedents of Computer Assistants which warrants debarring their candidature for special test to be conducted by Tamil Nadu Public Service Commission for absorbing them as Junior Assistants.

(By Order of the Governor)

Hans Raj Verma,  
Principal Secretary to Government.

14. Material on record discloses that pursuant to the issuance of G.O.Ms.No.153, Rural Development and Panchayat Raj (CGS-I) Department, Chennai, dated 20/10/2006, respondents have been appointed as computer assistants, by and under the control of the respective District Collectors.

15. Reading of G.Os., stated supra, makes it clear that appointment of respondents was in consonance with the directions/instructions issued in G.O.Ms.No.153 Rural Development and Panchayat Raj (CGS-I) Department, Chennai, dated 20/10/2006, that selection of two computer assistants per block shall be made by calling for the list from the employment exchange and conducting a simple test for them or by outsourcing them locally on contract basis and place them on a consolidated pay of Rs.4,000/- p.m., under the Tamil Nadu Rural Employment Guarantee Scheme, under the National Rural Employment Guarantee Act, 2005.

16. Material on record discloses that the consolidated pay has also been periodically increased. Clause 5 (6) of G.O.Ms.No.84 Rural Development and Panchayat Raj (CGS - 1) Development dated 4/8/2009 states that the posts of computer

assistant sanctioned shall be filled up through employment exchange in accordance with the qualification and procedure already ordered. All the respondents have been appointed pursuant to G.O.Ms.No.153, Rural Development and Panchayat Raj (CGS-I) Department, dated 20/10/2006, wherein outsourcing them, on contract basis, has been permitted.

17. When Government had permitted the District Collectors, to select two computer assistants, per block, by calling for a list from the employment exchange and conducting a simple test for them or by outsourcing them locally, on contract basis and place them on a consolidated pay of Rs.4,000/- p.m., which has been gradually increased, such of those appointed by the District Collectors, by outsourcing method, cannot be said to be a back door entry, as such entry was permitted, when the respondents were inducted as computer assistants.

18. Going through the G.Os extracted supra, and having regard to the method of selection, and continuation of the respondents, as computer assistants, for ten years, we are of the view that the directions of the writ Court, to consider the representations of the respondents, for allowing them to take part in the ensuing special qualification post for the post of Junior Assistant, as notified in G.O.(MS) No.37, Rural Development and Panchayat Raj Department, dated 22/3/2017, cannot be said to be manifestly illegal. Having worked for ten years as computer assistants on consolidated pay, under the then Government Orders, which permitted outsourcing, they cannot be allowed to stand apart from those who were appointed through employment exchange. Expectation of a person who had worked for long number of years on consolidated basis, in the case on hand, for ten years, to get absorbed, after competing with others, cannot be said to be illegitimate. In fact, at paragraph No.3 of G.O.Ms.No.37, Government have considered the request of one time relaxation of reservation.

19. At paragraph No.8 of the said G.O., Government ordered as hereunder:-

8. The Government after careful examination of the proposal of the Director of Rural Development and Panchayat Raj has decided to accept the same. Accordingly, the Government order as follows:

(i) To downgrade 858 posts of Assistants created for MGNREGS as Junior Assistants so as to absorb 906 Computer Assistants, who have completed 5 years of service as on 30.09.2015 working under MGNREGS and in the existing vacancies of Junior Assistant posts created for MGNREGS in the Junior Assistant time scale or pay.

(ii) To issue necessary amendments to the Special Rules for Tamil Nadu Ministerial Service after absorption.

(iii) These Computer Assistants are to be absorbed as Junior Assistants by conducting a special qualifying test by TNPSC in the posts already sanctioned under MGNREGS only, to follow rule of reservation. Hence, if the MGNREG Scheme stopped, the measures to be taken by the Government for the present staff working under MGNREGS will also be applicable to these Computer Assistants who are to be absorbed as Junior Assistants.

(iv) The vacancies arises out of absorbing the Computer Assistants as Junior Assistants should not be filled through outsourcing and the work may be continued to be discharged by the Junior Assistants as they are already trained in Computer.

20. For the reasons stated supra, we are not inclined to interfere with the order passed by the writ Court in W.P.Nos.8979 of 2017 and 28961 of 2014, dated 27/4/2017. Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-  
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

mvs.

To

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  
Villupuram District  
Villupuram.
4. The District Collector  
Vellore District  
Vellore.
5. The District Collector  
Tiruvannamalai District  
Tiruvannamalai.

W.A.No.1594 of 2017

KGK(CO)  
SP(14/02/2018)