

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

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THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.37797 of 2016

and

W.M.P.Nos.32394 and 32395 of 2016

Dharmapuri and Krishnagiri District
Village Panchayat Sweepers and
Thooimai Kavalars Labour Association
rep. by its President R.Venkatraman ... Petitioner

Vs.

1. The Principal Secretary,
Rural Development and Panchayat
Raj Department,
Secretariat, Chennai - 1.
2. The Director of Rural Development
and Panchayat Raj,
Panagal Maligai, Saidapet,
Chennai - 15.
3. The District Collector,
Dharmapuri District.
4. The Block Development Officer,
Kariamangalam,
Dharmapuri District.
5. The Block Development Officer,
Palacode, Dharmapuri District. .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the entire records relating to the impugned G.O.Ms.No.69 dated 16.06.2016 passed by the first respondent and quash the same as illegal, arbitrary, inoperative in law and further directing respondents 2 to 5 to take action for continuance of first batch members of the petitioner association of Thooimai Kavalars in Village Panchayats.

For Petitioner .. Mr.R. Rayeesa Fathima

For Respondents .. Mr.Manishankar,
Addl. Advocate General
assisted by
Mr.P.V.Selvakumar

ORDER

The members of the petitioner Association got employment for a period of 100 days under the scheme by name Mahatma Gandhi National Rural Employment Scheme. Now, they are challenging the Government Order with the consequential relief seeking a specific direction to continue the first batch of members.

2.Learned Additional Advocate General appearing for the respondents would submit that the issue sought to be raised no longer res integra. This Court has already dismissed the writ petition challenging the very same Government Order in K.Ramamoorthy Vs. Government of Tamil Nadu and Others (2016 SCC Online Mad 22318 - W.P.Nos.29217 to 29225 of 2016 dated 23.08.2016). A copy of the said order is also furnished before this Court. In the aforesaid order, it has been held as under:

3.First of all, the petitioners should have legal right to seek for relief even according to the original order dated 26.03.2015, namely as per G.O.Ms.No.47 dated 26.03.2015 what was assured to them is only a 100 days work, which we get at paragraph 4 in clause 3, in which, it is clearly stated that as per 100 days is concerned, it is guaranteed for the first year of implementation for which the workers are engaged and it does not give a permanent job and it is in the scheme it is a policy decision of the Government.

4.In this case, by virtue of G.O.Ms.No.69 dated 16.06.2016, they approved the guidelines for the implementation of Solid Waste Management activities in all the identified 9,000 village panchayats in rural areas during the year 2016-2017 annexed to the order. Therefore, it is not a total go by even by the Government they have only modified restricting the approved suggestions and recommendations of the authorities concerned, definitely that cannot be a matter of challenge before this Court especially when they have still granted work for 100 days.

5.In fact, in paragraph 7 of G.O.Ms.No.69 dated 16.06.2016, they specifically earmarked that the

Director of Rural Development and Panchayat Raj has stated that since only 100 days of employment is given for Mahatma Gandhi National Rural Employment Guarantee Scheme Workers in a year, new set of MGNREGS Workers as Thooimai Kaavalars should be engaged in the place those, who have completed 100 days in the particular financial year. Similarly, Worksite Supervisors shall also be changed after every 100 days in order to ensure that afresh persons get experience in the supervision process. The District Collectors shall be requested to organise training to the every fresh batch of MGNREGS workers engaged as Thooimai Kaavalars and Worksite Supervisors on various aspects of SWM activities.

6. In such circumstances, I do not find any reason to interfere with the impugned orders passed by the respondents 1 and 2 and hence, these petitions deserve to be dismissed. Accordingly, these writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

3. Considering the above, this Court is of the view that the writ petition is liable to be dismissed and accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Rural Development and Panchayat
Raj Department,
Secretariat, Chennai - 1.
2. The Director of Rural Development
and Panchayat Raj,
Panagal Maligai, Saidapet,
Chennai - 15.

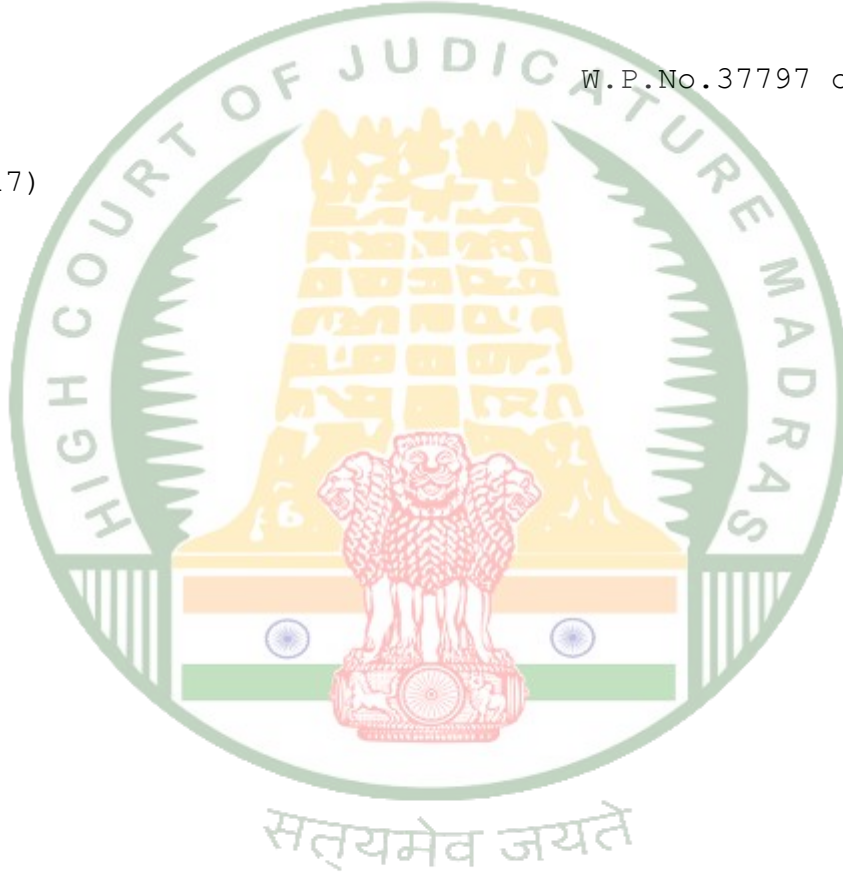
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3. The District Collector,
Dharmapuri District.
4. The Block Development Officer,
Kariamangalam,
Dharmapuri District.
5. The Block Development Officer,
Palacode, Dharmapuri District.

1cc to Mr.M. Ravi, Advocate Sr. 25395

W.P.No.37797 of 2016

SKV(CO)
VR(8/5/2017)



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