

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition Nos.3174 of 2018
and
WMP No.3889 of 2018

T. Rajendran

.... Petitioner

vs.

1. The State of Tamil Nadu,
rep by its Principal Secretary to Government,
Rural Development and Panchayat Raj (E3) Department,
Secretariate, Chennai - 9
2. The Director/Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building, Chennai - 15
3. The District Collector/Chairman,
Kattida Maiyam,
Coimbatore
4. The Project Director,
District Rural Development Agency (DRDA),
District Collector Office,
Coimbatore

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 28.2.2017 for absorbing the petitioner into the post of Road Inspector in the first respondent department in the light of the 1. G.O.Ms.No.139, Rural Development and Panchayat Raj (E3) Departement dated 28.09.2013, (2) G.O.Ms.No.76 Rural Development and Panchayat Raj (E3) Department dated 01.07.2016 and (3) Proceedings in Na.Ka.No.60119/2010/EE3, passed by the 2nd respondent dated 14.02.2017 and confer all the consequential service and monetary benefits therein.

For petitioner : Mr.T. Sellapandiyan

For respondents : Mr.V. Kadhirvelu
Spl.Govt. Pleader

ORDER

Mr.V. Kadhirvelu, learned Special Government Pleader takes notice for the respondents.

2. By consent of both sides, the main writ petition is taken up for final disposal.

3. The petitioner was selected for appointment to the post of Supervisor in the office of the third respondent viz., Kadttidamaiyam, Coimabtoire, by proceedings bearing No.128/96/KM/CBE dated 04.09.1996 of the Project Director, District Rural Development Agency (DRDA), District Collector Office, Coimbatore, the fourth respondent herein, on a consolidated scale of pay and he was also working till 2008. Thereafter, he was not paid salary, although he was attending regular work on daily wage basis, engaged by the respondents 3 and 4 and he was not permitted to work further. However, the petitioner kept on making representations, based on which, the Director/Commissioner, Rural Development and Panchayat Raj Department, the second respondent herein, sent a proposal, seeking regularisation of the petitioner and other similarly placed persons for observing them in the regular time scale of pay, by proceedings dated 27.01.2005. Subsequently, the Director/Commissioner, Rural Development and Panchayat Raj Department, in his letter bearing No.RC.No.65833/11/EE2 dated 20.09.2012 called for certain particulars about the petitioner and others to the District Administration. The The Project Director, District Rural Development Agency, by proceedings dated 30.09.2013 also enclosed the service particulars of the petitioner along with two other candidates viz., Mr.G. Karthik and Mr.P. Karthik Prabhu for their appointment.

4. When the matter stands as above, the respondents have issued the proceedings in Na.Ka.No.60119/2010/EE3 dated 14.02.2017 appointing 13 others who were serving as Technical Supervisors as Road Inspectors Grade II, without considering the name of the petitioner, which is against the proposal and the recommendation made by the fourth respondent. Therefore, a detailed representation has been given mentioning the date of joining and the proposal sent by the fourth respondent for the appointment to the post of Road Inspectors Grade II and the same has not been considered and hence a direction is sought for.

5. The learned Special Government pleader seeks time to consider the representation.

6. Accordingly, the first respondent is directed to consider the representation of the petitioner dated 28.02.2017 and pass

orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order in the light of 1. G.O.Ms.No.139, Rural Development and Panchayat Raj (E3) Departement dated 28.09.2013, (2) G.O.Ms.No.76 Rural Development and Panchayat Raj (E3) Department dated 01.07.2016 and (3) Proceedings in Na.Ka.No.60119/2010/EE3, passed by the 2nd respondent dated 14.02.2017 .

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected WMP is closed.

sr

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj (E3) Department,
Secretariate, Chennai - 9
2. The Director/Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building, Chennai - 15
3. The District Collector/Chairman,
Kattida Maiyam,
Coimbatore
4. The Project Director,
District Rural Development Agency (DRDA),
District Collector Office,
Coimbatore.

+1cc to M/s.I.Kanimozhi, Advocate Sr.No.11653

sm:6.3.2018

W.P.No.3174 of 2018

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