

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.1605 and 1606 of 2018
and

C.M.P.Nos.12896 to 12898 of 2018

- 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,
Kancheepuram District at Kancheepuram....
... Appellants/Respondents in both
appeals
- vs-
- M.Poonkuzhali ... Respondent/Petitioner in
W.A.No.1605/2018
- K.Girija ... Respondent/Petitioner in
W.A.No.1606/2018

Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.Nos.11262 and 11263 of 2017 dated 28.04.2017 filed under Article 226 of Constitution of India to direct the respondents to forthwith consider the claim of the petitioner for absorption as Junior Assistants/ Computer Assistants in any of the existing vacancies with all consequential service benefits thereto by allowing her to take part in the ensuing Special Qualifying Test to be held pursuant to G.O.Ms. NO.37 Rural Development and Panchayat Raj (E5) department dated 22.03.2017 and by publication of the results thereto.

For Appellants :: Mr.P.S.Sivashanmugasundaram,
in both appeals Special Government Pleader

For Respondent :: Mr.L.Chandrakumar
in both appeals

COMMON JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The respondents in these appeals were appointed as Computer Assistants by way of out-sourcing under the appellants in terms of the Mahatma Gandhi National Rural Development Guarantee Scheme on a consolidated pay of Rs.4,000/- per month. Subsequently, their pay was re-fixed at Rs.7,500/- per month. Again, the authorities re-fixed their pay at Rs.11,500/- per month. They were working with the above benefits for more than ten years. Thereafter, by proceedings dated 24.05.2013, the second appellant also addressed the District Collectors for furnishing the list of Computer Assistants for absorption in the sanctioned vacancies. In these circumstances, the first appellant has issued G.O.Ms.No.37, Rural Development and Panchayat Raj Department, dated 22.03.2017 for absorption of 906 Computer Assistants working under the said Scheme as Junior Assistants by way of conducting a Special qualifying test through TNPSC and the said Government order gives priority to the candidates who were sponsored through the Employment Exchange and subsequently completed five years of service. The respondents have made representations to allow them to take part in the said test for the purpose of their absorption.

2.With the above background, the respondents filed writ petitions in W.P.Nos.11262 and 11263 praying for a direction to consider their claim for absorption with all consequential service benefits by allowing them to take part in the examination, as stated supra. This Court disposed of the writ petitions on 28.04.2017 with a direction to the Government to consider their representations for allowing them to take part in the said examination and to pass appropriate orders.

3.Challenging the said order, the appellants-State have come up with these appeals.

4.The learned Special Government Pleader appearing for the appellants has submitted that as directed by the learned single Judge, the representations of the respondents have been considered by the authorities and the same were rejected, as there is no scope for regularisation and hence nothing survives in these appeals for adjudication.

5.We have also heard the submissions of the learned counsel for the respondents in these appeals, on the submissions made by the learned Special Government Pleader.

6.The learned single Judge, has directed only to consider the representations and to pass orders. No positive direction has been given to absorb them in service. The direction of the learned single Judge to consider the representations of the respondents have been done and their claim has been rejected as there is no scope for regularisation, and subsequently the matter has become infructuous.

7.In these circumstances, nothing survives in these writ appeals for adjudication and accordingly the writ appeals are dismissed as infructuous. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM
To

- 1.The Secretary to Government,
Government of Tamil Nadu,
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,
Kancheepuram District at Kancheepuram.

+lcc to Mr.L.Chandrakumar, Advocate Sr.52327

+lcc to the Government Pleader Sr.52852

W.A.Nos.1605 and 1606 of 2018

and

C.M.P.Nos.12896 to 12898 of 2018

gj II[co]
srg 21/08/2018