

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2018

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THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.Nos. 8446 to 8449 of 2015

M.Shanmugam ..Petitioner in WP.No.8446/2015

G.Madhaiyan ..Petitioner in WP.No.8447/2015

L.Mahendran ..Petitioner in WP.No.8448/2015

M.Sivan ..Petitioner in WP.No.8449/2015

versus

1. The State of Tamil Nadu rep. by its
Secretary to Government,
Rural, Development and Panchayat Raj
Department,
Fort St. George,
Chennai-600 009.

2. The Commissioner,
Directorate of Rural Development and
Panchayat Raj,
Panagal Building,
Saidapet,
Chennai-600 015.

3. The District Collector,
Dharmapuri District,
Dharmapuri.

4. The Commissioner,
Pennagaram Panchayat Union,
Dharmapuri District. .. Respondents in Wps.

Prayer in all WPs: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue Writ of Mandamus directing the respondents to consider the claims of the petitioner for regularization of service and pass appropriate orders based on the G.O.Ms.No.878, Rural Development Department, dated 15.05.1981 and G.O.Ms.No.55, Rural Development Department, dated 15.06.2006.

For Petitioner : Mr.P.Ganesan
in all WPs

For Respondents : Ms.P.Rosekamalam
in all WPs Govt. Advocate for R1 to R3
M/s.P.Kavitha for R4

COMMON ORDER

The petitioners have approached this Court, seeking the following relief:-

"Writ of Mandamus directing the respondents to consider the claims of the petitioner for regularization of service and pass appropriate orders based on the G.O.Ms.No.878, Rural Development Department, dated 15.05.1981 and G.O.Ms.No.55, Rural Development Department, dated 15.06.2006."

2. Since the issues involved in all four Writ Petitions are common, they are taken up together for common disposal as under:

All the petitioners were appointed as Hand Pump Fitter Assistant in the fourth respondent Panchayat Union on daily wages. They had been working on daily wage basis without any blemish. While so, they were removed from service dated 23.08.2000 which forced them to file an application before the Tamil Nadu Administrative Tribunal in O.A.No.6665 of 2000 and subsequently, the said application was transferred to this Court and renumbered as W.P.No.40742 of 2006. At the time of admission of the Original Application, the Tamilnadu Administrative Tribunal granted an interim order staying the operation of the order removing them from service and the interim order which was granted by the Tribunal was also extended by this Court till the disposal of the writ petition. On the basis of the interim order, these petitioners have been in service as Hand Pump Fitter Assistant.

3. When the writ petition No.40742 of 2006 was taken up for final hearing, this Court vide order dated 01.12.2010, disposed of the writ petition with the following direction:

"Therefore I am of the view that the matter requires consideration by the second respondent, the District Collector. Accordingly, the second respondent is directed to consider the case of the petitioners for regularization in the light of the relevant orders issued by the Government. Such exercise shall be completed with a period of four months from the date of receipt of copy of this order."

On the basis of the above direction, the petitioners submitted a representation to the third respondent on 05.07.2012. In deference to the direction by this Court, the third respondent has recommended the case for regularization of these petitioners vide proceedings in Na.Ka.No.4524/2012/K3, dated 18.12.2012 and a proposal to that effect was also forwarded to the second respondent for further action in the matter. However, it appears that the proposal sent by the third respondent, has not culminated into any final decision by the Government in the matter of regularization of the petitioners herein. In the said circumstances, these petitioners have approached this Court in the above writ petitions seeking a direction to respondents 1 and 2 to regularize their services and pass appropriate orders in terms of G.O.Ms.No.878, Rural Development Department dated 15.05.1981 and G.O.Ms.No.55, Rural Development Department dated 15.06.2006.

4. When these writ petitions are taken up for hearing, the learned counsel appearing for the petitioners would submit that the proposal which was forwarded by the third respondent has not evoked any final decision from the competent authority viz., the respondents 1 and 2. Therefore, he would specifically submit that a direction may be issued to the respondents 1 and 2, to take forward the proposal sent by the third respondent for final decision by the first respondent in the matter of regularization of the petitioners.

5. At this, the learned counsel for the respondents would have no legitimate objections since the third respondent thought fit to send proposal for recommending the case of the petitioners for regularization in terms of the government orders on this subject.

6. In view of the above submissions, this Court directs the second respondent to take a final decision in regard to forwarding the proposal sent to him by the third respondent to the first respondent and the first respondent is directed to take appropriate decision on the facts and circumstances of the case and in case, the petitioners fulfill all the requirements and the conditions which are provided under G.O.Ms.No.878, Rural Development Department, dated 15.05.1981 and G.O.Ms.No.55, Rural Development Department, dated 15.06.2006, their cases can be favorably considered for regularization. The first and second respondents are directed to initiate and complete the necessary process in this regard, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu rep. by its
Secretary to Government,
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2. The Commissioner,
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Panchayat Raj, Panagal Building,
Saidapet, Chennai-600 015.
3. The District Collector,
Dharmapuri District, Dharmapuri.
4. The Commissioner,
Pennagaram Panchayat Union,
Dharmapuri District.

+4cc to Mr.P.GANESAN Advocate, S.R.No.25889
+1cc to the Government Pleader, S.R.No. 26287
+2cc to Mr.P.KAVITHA, Advocate, S.R.No. 26497 & 26496
+2cc to Mr.P.CHINNADURAI, Advocate, S.R.No. 26494, 26495

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NRL (CO)
TR(12/04/2018)

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