

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 19663 to 19669 of 2018

- | | |
|-------------------|-------------------------------------|
| 1. S. Arulselvan | (Petitioner in W.P. No. 19663/2018) |
| 2. P. Chinnan | (Petitioner in W.P. No. 19664/2018) |
| 3. V. Rengasamy | (Petitioner in W.P. No. 19665/2018) |
| 4. M. Murugesan | (Petitioner in W.P. No. 19666/2018) |
| 5. P. Ulaganathan | (Petitioner in W.P. No. 19667/2018) |
| 6. S. Kandasamy | (Petitioner in W.P. No. 19668/2018) |
| 7. M. Gunasekaran | (Petitioner in W.P. No. 19669/2018) |

Vs.

1. State by the Secretary to Government of Tamil Nadu, Rural Development of Panchayat Raj Department, Secretariat, Fort St. George, Chennai.

2. The Director of Rural Development and Panchayat Raj, Panagal Building, Saidapet, Chennai - 15.

...Respondents in all WPs

Prayer in W.P.No.19663 to 19667 of 2018

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent herein to consider the representations, dated 19.01.2018, given for regularizing the service as fulltime Night Watchman or Full time Masalji with effect from 08.09.1992, 02.03.1992, 12.11.1994, 16.10.1990 and 22.07.1992, respectively with all consequential benefits.

Prayer in W.P.No.19668 of 2018

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent herein to consider the representations, dated 02.03.2018, given for regularizing the service as fulltime Night Watchman or Full time Masalji with effect from 30.06.1995 to till the retirement on 31.11.2013 with all consequential benefits.

Prayer in W.P.No.19669 of 2018

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent herein to consider the representations, dated 28.06.2018, given for regularizing the service as fulltime Night Watchman or Full time Masalji with effect from 21.12.1981 to till the retirement on 31.01.2017 with all consequential benefits.

For Petitioners in all W.Ps. : Mr. T.R.Udaya Kumar

For Respondents in all W.Ps. : Mrs. R.Janaki
Additional Government Pleader

COMMON O R D E R

Heard Mr. T.R. Udaya Kumar, the learned counsel appearing for the petitioners and Mrs. R.Janaki, the learned Additional Government Pleader, who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, these Writ Petitions are taken up for disposal at the stage of admission.

2. The grievance of the petitioners in these Writ Petitions is that though they have been serving as full time night watchman or full time masalji for more than two decades on daily wage basis and there is a Government Order stating that the services of such daily wage laborers, who have rendered service for ten years are required to be regularized, but the petitioners have been ignored, inspite of recommendation of the second respondent to the first respondent. The petitioners have also made individual representations in this regard dated 19.01.2018, 02.03.2018 and 28.06.2018, but the same have not been attended to by the first respondent. Therefore, the petitioners have come to this Court seeking writ of mandamus directing the first respondent to consider their representations taking note of the recommendation of the second respondent and also the Orders of the Government vide G.O.Ms No. 22/P & AR Department dated 28.02.2006 within a stipulated period by directing the regularization of their service.

3. The learned counsel appearing for the petitioners would submit that inspite of the Government Order and recommendation of the second respondent, the petitioners have been ignored and their representations have not been attended to by the first respondent, inasmuch as, no orders have been passed on such representation, and as such, the first respondent being guilty of inaction, a direction of writ of mandamus in this regard be issued as prayed for.

4. The learned Additional Government Pleader submits that such representations of the petitioners if pending shall be considered and disposed of in accordance with law within the reasonable period, and as such, this Court may dispose of these Writ Petitions with the said observation.

5. Considering the submissions of the learned counsel for the parties without seeking any counter affidavit from the respondents, this Court disposes of these Writ Petitions at the stage of admission with a direction to the first respondent to take informed and considered decision on the representations of the petitioners dated 19.01.2018, 02.03.2018 and 28.06.2018, in accordance with law keeping in mind the G.O. Ms. No. 22/P & AR Department, dated 28.02.2006, as also, the recommendation of the second respondent, if any, within a period of six weeks from the date of receipt of this order copy. However, it is made clear that this Court has expressed no opinion on the merit of the representations or the recommendations made, in this regard, in any manner. Hence, the first respondent shall dispose of the representations without any fetter but in accordance with law. In the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To
1. The Secretary to
Government of Tamil Nadu,
Rural Development of Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai.

2. The Director of Rural Development
and Panchayat Raj,
Panagal Building,
Saidapet, Chennai - 15.

+7 ccs to Mr.T.R.UDAYAKUMAR, Advocate SR.No.52111, 52112, 52113,
52114, 52108, 52109, 52107
+1cc to Government Pleader SR.No.52880, 52879, 52878, 52877,
52876, 52889, 52881

Writ Petition No. 19663 to 19669 of 2018

VSN II
SMI/29.08.2018