

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2018

CORAM
THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32239 of 2018

- 1.K.Chandrasekaran
- 2.C.Devanbu
- 3.S.John Enoch Sundar
- 4.N.Lakshmanan
- 5.Vanitha Nageswaran
- 6.B.Meena Gayatri

....Petitioners

Vs

- 1.The State of Tamil Nadu
rep.by its Chief Secretary
Secretariat, Fort St.George
Chennai - 600 009.
- 2.The State of Tamil Nadu
rep.by its Principal Secretary to Government
Personnel and Administrative Reforms
Department, Secretariat, Fort St.George
Chennai 600 009.
- 3.The Commissioner
Hindu Religious and Charitable Endowment
Uthamar Gandhi Salai, Nungambakkam
Chennai 600 034.
- 4.The Director of School Education
DPI Campus, College Road
Chennai - 600 006.
- 5.The District Collector, Chennai District
Kamarajar Salai, Chennai.
- 6.The District Collector, Thiruvallur District
Thiruvallur.
- 7.The District Collector, Kancheepuram District
Kancheepuram.
- 8.The District Collector, Madurai District, Madurai

....Respondents

For Petitioner :Mr.G.Sankaran

For Respondents :Mr.A.N.Thambidurai,
Special Govt.Pleader
-for R1, R2, R5 to R8

Mrs.P.Kavitha,
Govt. Advocate (Education) - for R4

Mr.M.Maharaja,
Special Govt.Pleader (HR & CE)
- for R3

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to pass appropriate orders for granting appointment in the post of junior assistant (Group IV services) BT Assistant from the date of initial appointment on par with other similarly placed persons given the benefit as per G.O.Ms.No.246 Personnel and Administration Reforms Department dated 29.08.2003 on notional basis with consequential benefits of seniority and promotion with arrears of salary in furtherance to implementation of the orders of this Honourable Court passed in W.P.No.24771 of 2006 dated 20.08.2009 by considering the representation of the petitioners dated 10.09.2018 within a time frame fixed by this Honourable Court.

O R D E R

Petitioners, who have been appointed in the post of Record Clerk, after having served in the Census Department, is now seeking better appointment based on their education qualification. So claiming, the petitioners have submitted a representation to the respondents dated 10.09.2018, which has not been considered. Hence the present writ petition has been filed.

2. The brief facts. The petitioners were initially appointed in Census department and were subsequently ousted from service. Thereafter, based on the orders passed by the Honourable Supreme Court, directing the State Government to work out a scheme to absorb all the retrenched employees of the Census Department, G.O.Ms.No.209, P&AR Department dated 23.11.2001 was passed, framing a scheme to absorb the retrenched employees. However, even after the above government order, no effective steps were taken to appoint the retrenched employees and hence the petitioners and other similarly placed persons filed W.P.No.24771 of 2006 etc., batch of writ petitions. This Court, disposed of the writ petitions by order dated 20.08.2009, and made the following observations.

"21. Consequently, if any of the petitioners were not absorbed in the Group-IV post, their claim can be considered with reference to their qualification for absorption in the posts which are coming under Group IV but, which are not coming under the purview of the Tamil Nadu Public Service Commission. Such exercise should be done within a period of three months from the date of receipt of copy of this order."

3. It is the contention of the learned counsel for the petitioners that even after the aforesaid order of this Court, the petitioners were appointed only as Record Clerk, but not in any post suitable to their educational qualification. In this regard, the petitioners have submitted several representations, seeking to implement the orders passed by this Court in W.P.No.24771 of 2006 etc., dated 20.08.2009.

2.Mr. A.N.Thambidurai, learned Special Government Pleader takes notice on behalf of Respondents 1,2 and 5 to 8. Ms.P.Kavitha, learned Government Advocates takes notice on behalf of respondent No.4. Mr.M.Maharaja, learned Special Government Pleader (HR & CE) takes notice on behalf of the third respondent.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would suffice to direct the respondents to consider the representation of the petitioners and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioners dated 10.09.2018 in terms of G.O.Ms.No.209 P&AR Department dated 23.11.2001, G.O.Ms.No.246, P&AR Department dated 29.08.2003, G.O.Ms.No.24, P&AR Department dated 02.03.2006, and the orders passed by this Court in W.P.28807 of 2005 and in W.P.No.24771 of 2006, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The State of Tamil Nadu
rep.by its Chief Secretary
Secretariat, Fort St.George
Chennai - 600 009.
- 2.The State of Tamil Nadu
rep.by its Principal Secretary to Government
Personnel and Administrative Reforms
Department, Secretariat, Fort St.George
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Thiruvallur.
- 7.The District Collector, Kancheepuram District
Kancheepuram.
- 8.The District Collector, Madurai District,
Madurai.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.84243
+2ccs to the Government Pleader, S.R.Nos.84485 & 85072
+1cc to the Spl. Government Pleader (HR & CE), S.R.No.84996

W.P.No.32239 of 2018

RSV(CO)

rrs 07/01/2019

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