



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.06.2018
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD) Nos.11891 to 11894 of 2018
and
W.M.P.(MD) Nos.10846 to 10848 of 2018,
10849 to 10851 of 2018,
10852 to 10854 of 2018
and
10855 to 10857 of 2018

V.Premkumar,
Computer Assistant,
Sivakasi Panchayat Union,
Sivakasi,
Virudhunagar District.

...Petitioner in
W.P.(MD) No.11891 of 2018

J. Sharmila Rani,
Computer Assistant,
Virudhunagar Panchayat Union,
Virudhunagar District.

...Petitioner in
W.P.(MD) No.11892 of 2018

K.Jeyalakshmi,
Computer Assistant,
Virudhunagar Panchayat Union,
Virudhunagar District.

...Petitioner in
W.P.(MD) No.11893 of 2018

R.Veeralakshmi,
Computer Assistant,
Rajapalayam Panchayat Union,
Virudhunagar District.

...Petitioner in
W.P.(MD) No.11894 of 2018

Vs.

1) The State of Tamil Nadu,
Rep., by its Principal Secretary,
Rural Development and
Panchayat Raj Department,
Fort St. George, Chennai - 9

2) The Commissioner Cum Director,
Rural Development and
Panchayat Raj Department,
Panchayat Building,
Saidapet, Chennai - 15



3) The District Collector,
Virudhunagar District,
Virudhunagar.

... RR 1 to 3 in all Writ Petitions

4) The Block Development Officer,
Sivakasi Panchayat Union,
Virudhunagar District.

... 4th Respondent in
W.P.(MD) No.11891 of 2018

5) The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

... 4th Respondent in
W.P.(MD) Nos.11892 of 2018
& 11893 of 2018

6) The Block Development Officer,
Rajapalayam Panchayat Union,
Virudhunagar District.

... 4th Respondent in
W.P.(MD) No.11894 of 2018

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection to the impugned clause 7 of G.O.Ms.No.37, Rural Development and Panchayat Raj (E5) Department, dated 22.03.2017 and quash the same as illegal and discriminatory in so far as the petitioners are concerned and consequently direct the respondents to absorb the petitioners to the post of Junior Assistant by providing exemption from writing Special Qualifying Test scheduled to be conducted by Tamil Nadu Public Service Commission by extending the benefit of G.O.Ms.No.52, Rural Development (E5) Department, dated 20.03.1998 and fix the seniority from the date of their appointments as Computer Assistants within the time limit that may be stipulated by this Court.

For Petitioners : Mr.G.Thalaimutharasu
in all Writ Petitions

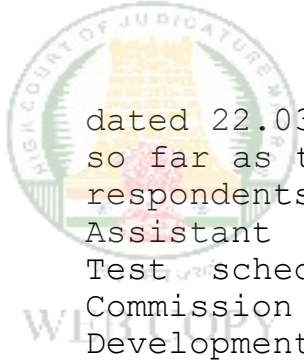
For RR 1 to 3 : Mr.M.Murugan,
in all Writ Petitions Government Advocate.

For R4 : Mr.M.Jeyakumar,
in all Writ Petitions Standing Counsel.

C O M M O N O R D E R

As the issue involved in all the Writ Petitions are one and the same, the cases are taken up for disposal by this Common Order.

2. The prayer sought for in these Writ Petitions is for a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection to the impugned clause 7 of G.O.Ms.No.37, Rural Development and Panchayat Raj (E5) Department,



dated 22.03.2017 and quash the same as illegal and discriminatory in so far as the petitioners are concerned and consequently, direct the respondents to absorb the petitioners to the post of Junior Assistant by providing exemption from writing Special Qualifying Test scheduled to be conducted by Tamil Nadu Public Service Commission by extending the benefit of G.O.Ms.No.52, Rural Development (E5) Department, dated 20.03.1998 and fix the seniority from the date of their appointment as Computer Assistants within the time limit that may be stipulated by this Court.

3. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioners in all the writ petitions, Mr.M.Murugan, learned Government Advocate appearing for respondents 1 to 3 in all the writ petitions and Mr.M.Jeyakumar, learned counsel appearing for the fourth respondent in all the writ petitions, respectively.

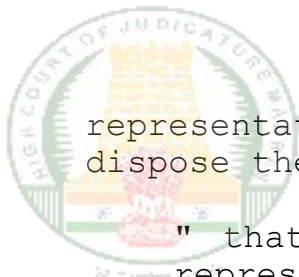
4. Learned counsel appearing for the petitioners would submit that the petitioners are physically challenged, who were appointed as Computer Assistants on consolidated pay basis under the Rural Development and Panchayat Raj (CGS.1) Department and they have been working as such. The Government had issued an order under G.O.Ms.No.151, Social Welfare and Nutritious Scheme (Sa.Na.4) Department dated 16.10.2008, whereby, the Government directed that, those physically challenged persons who had been working for more than two years, under consolidated pay can be brought in the regular scheme of employment under the time scale of pay.

5. Since these petitioners had been working for more than two years with consolidated pay, they will be eligible and entitled to get the benefit of time scale of pay, as per G.O.Ms.No.151.

6. Therefore, the petitioners, especially in W.P.(MD) Nos.11891 & 11892 of 2018 had given their representations to the third respondent/ District Collector, and those representations have not been considered and if the said representations are directed to be considered and an order to that effect is passed, taking into account G.O.Ms.No.151, Social Welfare and Nutritious Scheme (Sa.Na.4) Department dated 16.10.2008, the petitioners would be satisfied.

7. I have heard the learned Government Advocate appearing for respondents 1 to 3, who would submit that, only the petitioners in W.P.(MD) Nos.11891 & 11892 of 2018 have given such representations and those representations shall be considered by the respondents on merits within a time frame stipulated by this Court. The other two petitioners in W.P.(MD) Nos.11893 & 11894 of 2018, have not given any representations and therefore, if they make any representations, the same shall also be considered.

8. Considering the said submissions made by both sides, since the prayer now has been sought for, is only to that extent of seeking a direction to the respondents to consider the



representations of the petitioners, this Court is inclined to dispose the batch of writ petitions with the following directions:

" that, the third respondent is directed to consider the representations of the petitioners in W.P.(MD) Nos.11891 & 11892 of 2018 on merits and in accordance with law, by taking into account the import of G.O.Ms.No.151, Social Welfare and Nutritious Scheme (Sa.Na.4) Department dated 16.10.2008 and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order."

9. Insofar as the petitioners in W.P.(MD) Nos.11893 & 11894 of 2018 are concerned, they shall give similiar representations to the third respondent within a period of one week from the date of receipt of a copy of this order and on receipt of such representations to be given by those two petitioners, the same shall also be considered by the third respondent within a period of six weeks thereafter, as indicated above in the previous paragraph.

10. With these directions, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1) The Principal Secretary,
Rural Development and
Panchayat Raj Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9
- 2) The Commissioner Cum Director,
Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai - 15
- 3) The District Collector,
Virudhunagar District,
Virudhunagar.
- 4) The Block Development Officer,
Sivakasi Panchayat Union,
Virudhunagar District.



5) The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

6) The Block Development Officer,
Rajapalayam Panchayat Union,
Virudhunagar District.

+4 CC to Mr.G.Thalaimutharasu, Advocate, SR.Nos. 67091 to 67094
+1 CC to the Special Government Pleader SR.No.66940

W.P. (MD) Nos.11891 to 11894 of 2018
05.06.2018

STS

ES/SKN/RSK/SAR 4/02.07.2018/5P/12C