

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5611 and 7377 of 2018
and
W.M.P.Nos.17364, 9165, 9167, 6937 & 6938 of 2018

R.Tamil Arasu ..Petitioner
(in W.P.No.5611 of 2018)

K.Karunakaran ..Petitioner
(in W.P.No.7377 of 2018)

Vs.

- 1.The Secretary to Government,
Finance Department,
Fort Saint George, Chennai - 600 009.
- 2.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort Saint George, Chennai - 600 009.
- 3.Tamil Nadu Puthu Vazhvu Society,
Represented by its Member Secretary / Project Director,
Puthu Vazhvu Project,
Annai Theresa Mahalir Valagam,
Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.
- 4.Tamil Nadu Rural Transformation Project,
Represented by its Project Director,
(Department of Rural Development and Panachayat Raj,
Government of Tamil Nadu),
2nd floor, Mother Theresa Complex,
Nungambakkam, Chennai - 600 034. .. Respondents
(in W.P.No.5611 of 2018)

- 1.The Secretary to the Government of Tamil Nadu,
Rural Development and Panchayatraj,
Fort St. George, Chennai - 600 009.

2.The Project Director,
Tamilnadu Rural Transmission Project,
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.

3.The Managing Director/CEO,
Tamil Nadu Corporation for Development
of Women Limited,/TNSRLM
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.

.. Respondents
(in W.P.No.7377 of 2018)

Prayer in W.P.No.5611 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the 4th respondent's notification in File No.008/TNRTP/2018 and File No.008A/TNRTP/2018 dated 14.02.2018 and quash the same and appoint the petitioner in a suitable post in the new projects.

Prayer in W.P.No.7377 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order of the 2nd respondent vide employment notification vide File No.008-A/TNRTP/2018 dated 14.02.2018 published in Daily Thanthi dated 16.02.2018 and quash the same and consequently directing the respondents 2 & 3 to provide alternative employment to the petitioner.

W.P.No.5611 of 2018:

For Petitioner	:	Mr.M.Muthappan
For RR 1 & 2	:	Mrs.A.Srijayanthi Additional Government Pleader
For RR 3 & 4	:	Mr.V.Jayaprakash Narayanan Government Pleader

W.P.No.7377 of 2018:

For Petitioner	:	Mr.R.Balaguruswamy
For RR 1 & 2	:	Mrs.A.Srijayanthi Additional Government Pleader
For RR 3 & 4	:	Mr.V.Jayaprakash Narayanan Government Pleader

C O M M O N O R D E R

These Writ Petitions have been filed challenging the impugned order No.008-A/TNRTP/2018 dated 14.02.2018, published in Daily Thanthi dated 16.02.2018 and to provide alternative employment to the petitioners.

2.The Government of Tamil Nadu introduced a project for reducing poverty among rural poor and vulnerable sections of society at District level, viz., Pudhu Vazhvu Project. The petitioners were appointed as Team Leader and Facilitator under the projects at various Districts on consolidated pay to implement the same. The petitioners worked without any break for more than 11 years on the projects. Suddenly on 30.06.2017, all of the workers were stopped from work without any termination order or experience certificate citing the reason that the projects have been completed. It is the further case of the petitioners that the petitioners are being qualified and was not allowed to enter other Government Departments or undertakings till the current projects were over. Now it is not possible to get employment for them in other Government Departments or undertakings due to age bar. For the above difficulties, the petitioner in W.P.No.5611 of 2018 made representation on 19.09.2017 and the petitioner in W.P.No.7377 of 2018 made representation on 25.09.2017 to the respondents to absorb them in the vacancies of Government Departments. The petitioner in W.P.No.5611 of 2018 and other similarly placed persons filed W.P.No.28824 of 2017 and this Court on 16.11.2017, admitted the Writ Petition and issued notice to the respondents. While being so, the third respondent in W.P.No.5611 of 2018, who is the second respondent in W.P.No.7377 of 2018 issued a notification in File No.008/TNRTP/2018 and File No.008A/TNRTP/2018 dated 14.02.2018, which was published in Thina Thanthi newspaper on 16.02.2018, inviting private recruitment agency for engagement of senior staff to their new project proposed to be started under the head, "World Bank Schemes". Hence the petitioners have come out with the present Writ Petitions.

3.The learned counsel for the petitioners would submit that though the eligible candidates available in the existing project, however without considering the petitioners and other qualified persons, issuing the notification inviting private recruitment agency for engagement of senior staff is unsustainable. The learned counsel for the petitioners would further submit that though the petitioners are challenging the notification dated 14.02.2018, however liberty may be granted to the

petitioners to make application to the recruiting agency for the engagement of services.

4.The learned Government Pleader and the learned Additional Government Pleader appearing for the respondents would concede the request made by the learned counsel for the petitioners.

5.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to grant liberty to the petitioners and it is open to the petitioners to make application to the recruiting agency for engagement of services made in the notification dated 14.02.2018. If any application is filed, the recruiting agency is directed to consider the petitioner's representation and pass appropriate orders on the same in accordance with law.

6.With the above direction, both the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

krk

To

- 1.The Secretary to Government,
Finance Department,
Fort Saint George, Chennai - 600 009.
- 2.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort Saint George, Chennai - 600 009.
- 3.Tamil Nadu Puthu Vazhvu Society,
Represented by its Member Secretary / Project Director,
Puthu Vazhvu Project,
Annai Theresa Mahalir Valagam,
Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.
- 4.Tamil Nadu Rural Transformation Project,
Represented by its Project Director,
(Department of Rural Development and Panachayat Raj,
Government of Tamil Nadu),
2nd floor, Mother Theresa Complex,
Nungambakkam, Chennai - 600 034.

5.The Managing Director/CEO,
Tamil Nadu Corporation for Development
of Women Limited,/TNSRLM
Annai Thereasa Magalir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai - 600 034.

+1cc to Mr.R.Balaguruswamy , Advocate SR.No. 79755

+1cc to Mr.M.Muthappan , Advocate SR.No. 79420

W.P.Nos.5611 and 7377 of 2018

VG II

A.SK(05/11/2019)