

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.17617 of 2019

1.K.Nagarajan
2.N.Kannan
3.M.Venkatasamy
4.U.Vasanthi
5.A.Akila

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.

2.The Director of Rural Development and Panchayat Raj,
Chennai - 600 015.

3.The District Collector,
Dharmapuri District,
Dharmapuri.

4.The Project Director,
District Rural Development Agency,
Dharmapuri.

5.The Member Secretary Dharmapuri
Socio Economic Development Society,
Dharmapuri.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to direct the first respondent to issue orders absorbing the petitioners in the Rural Development and Panchayat Raj Department, and regularizing their services from the dates of their joining in the Dharmapuri District Development Corporation Ltd., in the light of the orders passed in G.O.Ms.No.57, RS & PR (E5) Department, dated 20.06.2013 and G.O.Ms.No.100, Rural Development & PR Department dated 02.09.2016 and to grant all consequential benefits to the petitioners including bringing them under the purview of Tamil Nadu Pension Rules and to grant all retirement and Pensionary benefits to the petitioners within a limited time frame.

For Petitioners : M/s.M.Ravi

For Respondents : Mrs.R.Janaki,
Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners herein were employed in Dharmapuri District Development Corporation Ltd., which was wound up on 21.01.2000 and Dharmapuri District Socio Economic Development Society was formed in 2003. The Dharmapuri District Development Corporation limited was disbanded in and by G.O.Ms.No.14, Rural Development (E1) Dept., dated 21.01.2000 and District Rural Development Agency was established in its place. Subsequently, by G.O.Ms.No.61, Rural Development (SGSI) Dept., dated 06.06.2003, the Government ordered the formation of Dharmapuri District Socio Economic Development Society Ltd., and further ordered the absorption of administrative staff in the newly formed society. Accordingly, the petitioners herein were absorbed in the society. This being so, the District Collector, Dharmapuri in his capacity as Chairman of Dharmapuri District Development Corporation Ltd., in and by his letter dated 24.01.2004 addressed to the Director of Rural Development, Chennai for absorption of all the Engineering and Administrative Staff in the Rural Development Department. In reply, the Government by G.O.Ms.No.57, Rural Development and Panchayat Raj Dept. dated 20.06.2013 issued order for regular absorption for only 11 office Assistants and 3 Jeep Drivers and one night watchman and their services were regularized from the date of joining. Further by another G.O.Ms.No.100 dated 02.09.2016, the absorption of engineering staff were also made. However, no order was passed for absorption of the petitioners and other staff, who were administrative staffs. The petitioners and other staffs were retired from service on superannuation and they have been deprived of pensionary benefits. The petitioners have sent representation to the 1st respondent on 10.12.2018 requesting to pass orders to absorb them in the Rural Development and Panchayat Raj Department, as was done to other staff of basic service and engineering staff. Since the representation of the petitioners has not been considered, the petitioners have filed the present petition with the aforesaid prayer.

3.The learned counsel for the petitioners submitted that, it would suffice if a direction is passed to the first respondent to consider the representation of the petitioners dated 10.12.2018, within a reasonable time as fixed by this Court.

4.The learned Additional Government Pleader accede to the submission made by the learned counsel for the petitioners and submitted that if any such representation was received by the first respondent, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the first respondent to consider the representation of petitioners dated 10.12.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

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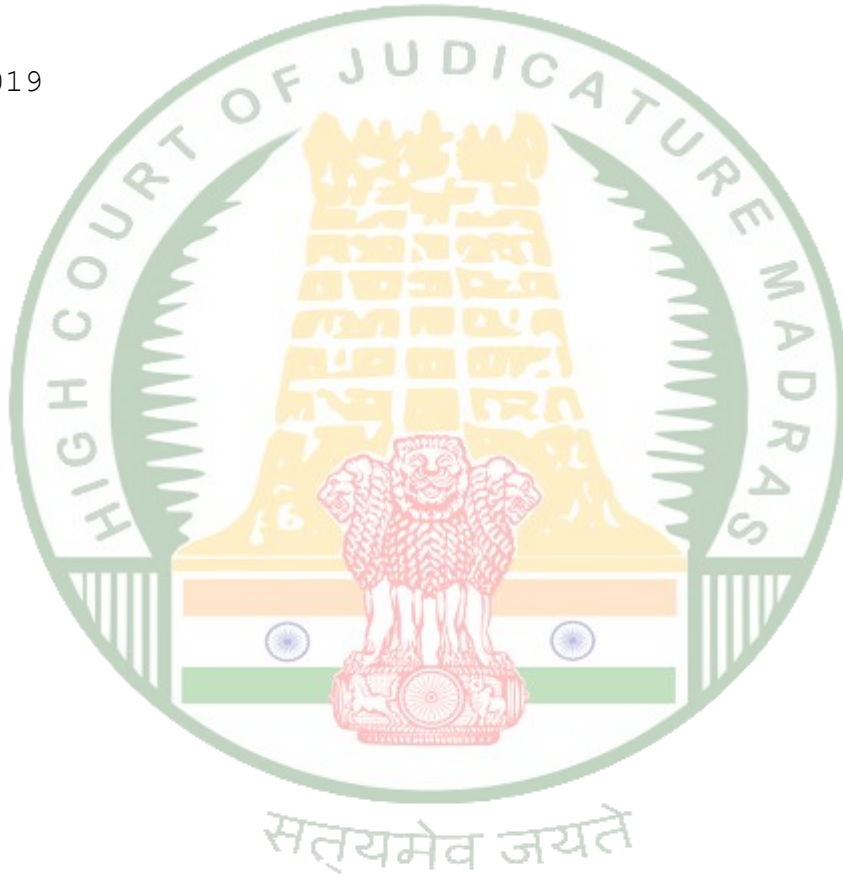
- 1.The Principal Secretary to Government,
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Rural Development and Panchayat Raj Department,
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- 2.The Director of Rural Development and Panjayat Raj,
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+1 cc to M/s.M.Ravi Advocate sr76474
+1 cc to Government Pleader sr 76526

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mr(co)
aa14/10/2019



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