

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1577 of 2016 and
C.M.P.Nos.19718 & 19719 of 2016

- 1.The Secretary to Government,
Public Department,
The Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
 - 2.The Secretary to Government,
Revenue Department,
The Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
 - 3.The Commissioner of Revenue Administration/
Principal Secretary,
Ezhilagam Building,
Chepauk, Chennai 600 005.
 - 4.The District Collector,
Kancheepuram.
 - 5.The District Collector,
Salem.
 - 6.The District Collector,
Krishnagiri.
 - 7.The District Collector,
Erode.
 - 8.The District Collector,
Villupuram.
 - 9.The District Collector,
Kanyakumari,
Nagercoil.
- ... Appellants

Vs.

- 1.K.Ravi
- 2.P.Ramesh Kumar
- 3.Murali.C
- 4.G.Raju
- 5.F.Jalaludeen
- 6.R.Venkatesan
- 7.D.Sivakami
- 8.N.Sekar
- 9.A.Hemalatha
- 10.L.Sangeetha
- 11.K.Poonkodi
- 12.V.Chandra
- 13.V.Lakshmanasamy
- 14.V.Ansar Ali
- 15.C.Rajeswari
- 16.P.Sekar
- 17.J.Manigandan
- 18.P.Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 08.09.2014 made in W.P. No.27684 of 2012 on the file of this Court.

Prayer in W.P.No.27684 of 2012:- Praying for issuance of writ of mandamus directing the respondents to regularize the services of the petitioners from the year 2005 with all monetary benefits in pursuance of the regularization scheme framed in G.O.Ms.No.332 Revene (EE-4.1) Department dated 16.7.2010 and absorb them in the post of Junior Assistant.

For Appellants : Mrs.A.Srijayanthi
Government Pleader
For Respondents: Mr.M.Gnanasekar

J U D G M E N T

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The learned single Judge, taking into account the prayer made in the Writ Petition in W.P.No.27684 of 2012 issued a Mandamus directing the appellants to consider the case of the employees for regularisation. Feeling aggrieved, the State has come up with the Intra court appeal.

2. The learned Special Government Pleader appearing on behalf of the appellants contended that the respondents were engaged in the work relating to enumeration in connection with the general election and such appointments were not against sanctioned posts. According to the learned Special Government Pleader, it would not be possible for regularising the services of the respondents on account of the absence of sanctioned post.

3. We have also heard the learned counsel for the respondents.

4. The prayer in the writ petition was primarily to regularise the services of the respondents. The learned single Judge passed an order directing the appellants herein to consider the case of regularisation taking into account the continuous service rendered by the respondents. While saying so, the learned single Judge also directed the appellants to take into account the recommendation made by the Chief Electoral officer and the Principal Secretary to Government for regularisation.

5. After hearing the learned counsel for the respective parties, we are of the view that interest of justice would be sub served by directing the appellants to consider the case of the respondents on merits and as per law. We make it clear that it is for the Government to take a decision with regard to regularisation. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this Judgment.

The intra-court appeal is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssd

To

1.The Secretary to Government,
Public Department,
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Villupuram.

9.The District Collector,
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Nagercoil.

+2 cc to Mr.M.Gnanasekar, Advocate, Sr.No. 58944

+1 cc to The Government Pleader, Sr.No. 59691

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CSL/31.07.2019