

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.09.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24035 of 2019
and
W.M.P.No.23862 of 2019

K. Ezhilarasu

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development and
Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 2. The Director of Rural Development
and Panchayat,
Panagal Maligai, Saidapet,
Chennai - 600 015.
 3. The Tamil Nadu Corporation for
Development of Women Ltd.,
Annai Teresa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam, Chennai - 600 034.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularize the service of petitioner as Driver from the date of initial appointment that is from 25.07.2007 in the third respondent Corporation by considering the petitioner's representation dated 05.06.2019.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.R.S.Selvam
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner, seeking for the issuance of Writ of Mandamus, to direct the respondents to regularize the service of petitioner as Driver from the date of initial appointment that is from 25.07.2007 in the third respondent Corporation by considering his representation dated 05.06.2019.

2. The case of the petitioner is that he joined the service as Driver 25.07.2007 in the Tamil Nadu Welfare Society for Self Help Groups on consolidated pay of Rs.5,000/- and thereafter, he was appointed as Driver on contract basis with pay of Rs.5,500/- per month. Likewise, he continued to work as such on contract basis and as on date, he rendered his services for 12 years. The grievance of the petitioner despite that continuous of temporary service over a period of 12 years, his services have not been regularized. Hence, the petitioner made a representation on 05.06.2019 to the respondents seeking regularisation of his services. As there was no action taken by the respondents the petitioner has moved this Court by way of present writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been appointed as Driver on contract basis and he had put in 12 years of service on temporary basis and however, despite the representation made by the petitioner, the respondents have not taken any earnest effect to regularise in the services of the petitioner. The learned counsel would refer to the order of this Court dated 15.12.2017 passed in W.P.(MD) No. 11106 of 2013, wherein this Court considered the similar claim and allowed the writ petition by directing the respondents therein to regularise the petitioner therein as Driver from the date of his initial appointment with all attendant benefits. He would also refer to the order dated 02.01.2019 passed by the learned Division Bench of this Court in W.A.No. 2796 of 2018 which was preferred by the Government against the order passed in the above said writ petition, wherein, this Court confirm the order of the learned single judge and dismissed the Writ Appeal.

4. Time and again, this Court has considered the grievance of the similarly placed persons who have put in more than 10 years of services on temporary basis and directed the authorities to consider the claim of the employees to pass appropriate orders for regularization.

5. Considering the facts and circumstances, and submissions made by the learned counsel for the petitioner, this Court disposes the present Writ Petition, with a direction to the respondents to consider the representation dated 05.06.2019 made by the petitioner and pass appropriate orders in accordance with law, granting the benefit of regularisation to the petitioner, with all attendant and consequential benefits of such regularisation.

6. The respondents in this regard are directed to pass appropriate orders within a period of twelve weeks from the date

of receipt of a copy of this order. The respondents shall bear in mind the relevant orders of the decision of this Court in regard to the regularisation of services of the temporary employees.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ebsi

To

1. The Secretary to Government,
Rural Development and
Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 2. The Director of Rural Development
and Panchayat,
Panagal Maligai, Saidapet,
Chennai - 600 015.
 3. The Tamil Nadu Corporation for
Development of Women Ltd.,
Annai Teresa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam, Chennai - 600 034.
- +1 CC to Mr.R.Jayaprakash, Advocate sr 81741
+1 CC to Mr.R.S.Selvam, Advocate sr 81793.
+1 CC to Govt. Pleader sr 82333

W.P.No.24035 of 2019

and

W.M.P.No.23862 of 2019

VGI (CO)
SP(08/11/2019)

WEB COPY