



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.13255 of 2019

and

W.M.P. (MD) Nos.9882 & 9883 of 2019

1. P.Rathinavelu
2. M.Karthik
3. N.Subramanian
4. S.Ganesh
5. C.Muthuselvam
6. S.Mahaboobsabahan
7. K.Muthuselvam
8. K.Sanmuganathan

... Petitioners

Vs.

1. The Secretary to Government,
Tamil Nadu Sports Development Authority,
Chennai.
2. Member Secretary,
Sports Development Authority,
Chennai.
3. District Sports and Welfare Officer,
Anna Sports Stadium,
Tirunelveli,
Tirunelveli District.

... Respondents

[Cause title amended as per order dated 25.06.2019,
made in W.M.P. (MD) No.10531 of 2019]

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to permit the petitioners to discharge their regular duty viz., Caretaker, Marker, Night Watchman and Sweeper as daily wages instead of outsourcing staff, by considering the petitioners' representation dated 18.02.2019.

For Petitioners : Mr.A.Sivasubramanian

For Respondents : Mr.M.Rajarajan
Government Advocate

**ORDER**

This Writ Petition has been filed seeking a direction to the respondents to permit the petitioners to discharge their regular duty viz., Caretaker, Marker, Night Watchman and Sweeper as daily wagers instead of outsourcing staff, by considering the petitioners' representation dated 18.02.2019.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioners, they were appointed by the third respondent and working as Caretaker, Marker, Night Watchman and Sweeper at Anna Sports Stadium, Palayamkottai, Tirunelveli, for the past several years and received their salary as daily wages from the District Collectorate, Tirunelveli. While so, the second respondent, vide his proceedings dated 25.04.2017, as per the request of the third respondent, permitted to fill up the posts viz., 2 Markers, 4 Caretakers, 1 Night Watchman and 1 Sweeper, in which, the petitioners were receiving daily wages directly from the respondents, through Outsourcing Agency. The petitioners have not received any salary from the month of April 2019. Therefore, the petitioners made several representations, but the same have not been considered by the respondents so far. Hence, the present Writ Petition.

4.The learned Government Advocate appearing for the respondents, on instructions, submitted that the petitioners representation would be considered on merits and in accordance with law, within a time frame to be fixed by this Court. In the meantime, the petitioners' service will not be disturbed at the hands of the respondents.

5.Recording the above said submission made by the learned Government Advocate appearing for the respondents, without going into the merits of the case, this Court directs the respondents to consider the representation dated 18.02.2019 and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. The respondents shall also consider for payment of daily wages to the petitioners from the Month of April 2019, if they are otherwise eligible.



6.This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

smn2

To

1. The Secretary to Government,
Tamil Nadu Sports Development Authority,
Chennai.
2. The Member Secretary,
Sports Development Authority,
Chennai.
3. The District Sports and Welfare Officer,
Anna Sports Stadium,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO Mr.A.Sivasubramanian, ADVOCATE IN SR No.71673
+ 1 CC to The Special Government Pleader SR.No.71509

W.P. (MD) No.13255 of 2019

KS(12.07.2019) 3 P 6 C