



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

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THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.P. (MD) Nos.16658 to 16662 of 2017

and

W.M.P. (MD) Nos.13264 to 13278 of 2017

M.Ahamed Basheer	... Petitioner in W.P. (MD) No.16658 of 2017
N.Vijei Chandaran	... Petitioner in W.P. (MD) No.16659 of 2017
C.Kumar	... Petitioner in W.P. (MD) No.16660 of 2017
G.Komakan	... Petitioner in W.P. (MD) No.16661 of 2017
Lakshmanan	... Petitioner in W.P. (MD) No.16662 of 2017

-vs-

- 1.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar, Park Town,
Chennai-600 003.
 - 2.The Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St.George, Secretariat, Chennai-9.
 - 3.The Inspector General of Registration,
Registration Department,
100, Santhom High Road,
Chennai-28. ... Respondents 1 to 3 in all WPS
- The District Registrar(Administration),
Ramanathapuram-623 501.
... 4th Respondent in W.P. (MD) No.16658 of 2017
- The District Registrar(Administration),
Erode District. ... 4th Respondent in W.P. (MD) No.16659 of 2017
- The District Registrar(Administration),
Virudhunagar District.
... 4th Respondent in W.P. (MD) No.16660 of 2017
- The District Registrar(Administration),
Ariyalour District.
... 4th Respondent in W.P. (MD) No.16661 of 2017



The District Registrar(Administration),
Madurai (South). ... 4th Respondent in W.P.(MD)No.16662 of 2017

Prayer IN WP(MD)Nos.16658, 16659 & 16662 OF 2017:

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari praying to call for the records on the file of the first Respondent vide No.குறிப்பாணை எண்.6751/Gr IV-SCE/PSD-C2/2009, dated 09.08.2017, signed on 16.08.2017 and consequential order of the third Respondent in எண்.25408/கே2/2009, dated 29.08.2017 and quash the same as illegal.

PRAYER IN WP(MD).16660 & 16661 OF 2017:

Writ Petitions filed under Article 226 of Constitution of India, for issuance of Writ of Certiorari praying to call for the records on the file of the 3rd Respondent in எண்:25408/கே2/2009, dated 29.08.2017 and Quash the same.

For Petitioners
in all cases

: Mr.T.Cibi Chakraborty
for M/s Isaac Chambers

For Respondents
in all cases

: Mr.D. Sivaraman for R.1
: Mr.M.Murugan, GA for R.2 to R.4

COMMON ORDER

All the writ petitions are filed seeking to call for the records on the file of the first Respondent in Kurippanai No.6751/Gr IV-SCE/PSD-C2/2009, dated 09.08.2017, signed on 16.08.2017 and consequential order of the third Respondent in No.25408/Ke2/2009, dated 29.08.2017 and quash the same as illegal.

2. The case of the petitioners is that they were appointed as Junior Assistants in the year 2003 as per G.O.Ms.Nos.84 & 85 of Personnel and Administrative Reforms (P&R) Department, dated 04.07.2003 on temporary basis. Subsequently, the petitioner in WP.No.16659/2017 filed W.P.(MD)No.4440 of 2009 seeking to regularize their services in the respective departments. In the meantime, the third respondent passed the impugned order dated 29.08.2017 directing the District Registrar to relieve the petitioners from service and direct them to join the allotted departments. Aggrieved over the same, the petitioners have approached this Court by filing these writ petitions.

3. Earlier this Court, by an interim order dated 01.09.2017, on the basis of the Division Bench judgment in W.A.(MD)No.480 to 482 of 2012, dated 03.11.2016, observed that the Inspector General of Registration, by communication dated 06.02.2014, gave a positive recommendation to the Principal Secretary to the Administrative Department to accommodate the petitioners and consider their



proposal on merits.

4. Subsequently, a counter affidavit has been filed by the Tamil Nadu Public Service Commission, on the basis of the Government Letter No.2327/K/2017-5, dated 06.07.2017, wherein at paragraph Nos.5 and 6, it is stated as follows:

"5. Though the claim of the petitioners cannot be held legally sustained, the Government, on humanitarian grounds, have proposed to accept their request and to appoint them in the vacancies available in the Registration Department itself on a regular basis from their date of allotment made by the Tamil Nadu Public Service Commission after passing the Special Competitive Examination, 2007, like all other persons who have passed in the above said examination and joined in other Departments.

6. I am to enclose a copy of the mercy petition 4th cited along with its enclosures and to request you to obtain and communicate the concurrence of the Tamil Nadu Public Services Commission for appointing Tvl.J.Lakshmanan, N.Vijichandran, M.Ahmed Basheer, C.Kumar and M.Gomagan in the Registration Department itself on a regular basis from their date of allotment made by the Tamil Nadu Public Service Commission after passing the Special Competitive Examination, 2007."

Further, at paragraph nos.9 and 10 of the counter affidavit of the Tamil Nadu Public Service Commission, it is stated as follows:

"9. It is submitted that the Hon'ble Division Bench of Madras High Court has passed the following Order in W.A.(MD)Nos.480, 481 and 482 of 2012, dated 03.11.2016.

XXXXXXXXXXXXX

It is brought to notice of this Court, the Inspector General of Registration has sent a proposal in Lr.No.25408/K2/2010, dated 06.02.2014 with a positive recommendation to the Principal Secretary to the Administrative Department to accommodate the respective private respondents as a special case in the very same departments. Therefore, Administrative Department of the Government of Tamil Nadu is directed to consider the said proposal in merits and in accordance with law and pass appropriate orders within a period of 12 weeks from the date of receipt of copy of this order and communicate the decision taken to the respective private parties/Respondents.

10. It is submitted that this Hon'ble Court passed the order in W.A.Nos.480, 481 and 482 of 2012, order dated 03.11.2016. The Government also consider that Division Bench order and send the proposal to Tamil Nadu Public Service Commission concurrence on



06.07.2017. Now the Commission to consider this issue as early on the basis of Hon'ble Division Bench Order."

5. In view of the averments made in the counter affidavit of the Tamil Nadu Public Service Commission, more particularly, the stand of the Government that the case of the petitioners will be considered, this Court directs the Tamil Nadu Public Service Commission to take up the proposal relating to the appointment of the petitioners on regular basis and approve the same and thereafter, forward the same to the second respondent for passing appropriate orders. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

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To

1. The Secretary, Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town, Chennai-600 003.

2. The Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George, Secretariat,
Chennai-9.

3. The Inspector General of Registration,
Registration Department,
100, Santhom High Road,
Chennai-28.

4. The District Registrar (Administration),
Ramanathapuram-623 501.

5. The District Registrar (Administration),
Erode District.

6. The District Registrar (Administration),
Virudhunagar District.

7. The District Registrar (Administration),
Ariyalour District.



8.The District Registrar(Administration),
Madurai (South).

+5CC TO MR.T.CIBI CHAKRABORTHY, Advocate Sr. No.63155 TO 63159
+1CC TO MR.D.SIVARAMAN, Advocate Sr. No.63427
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 63340

W.P. (MD) Nos.16658 to 16662 of 2017
26.04.2019

KMV (CO)
TR (08.05.2019) 7P 16C