



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10346 of 2014

C.Nagarajan

... Petitioner

vs.

1. The Secretary
Rural Development and
Panchayat Raj Department
Secretariat, Chennai-600 009
2. The Director / Commissioner
Rural Development and Panchayat
Raj Department
Panagal Building, Saidapet
Chennai-600 015
3. The District Collector
Kanyakumari District
Nagercoil-629 001
4. The Commissioner
Rajakkamangalam Panchayat Union
Rajakkamangalam
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner as night watchman (or) Office Assistant on time scale pay with regularization as per G.O.Ms.No.55, Rural Development and Panchayat Raj (E5) Department, dated 15.06.2006 and to pay all the benefits to the petitioner with effect from 15.06.2006.

For Petitioner : Mr.M.Dennis Joe

For Respondents: Mr.S.Dhayalan

Government Advocate for R1 to R3

Mr.R.Anandharaj

Government Advocate for R4

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to appoint the writ petitioner as Night Watchman or Office Assistant in the regular time scale of pay, as per G.O.(Ms) No.55, Rural Development and Panchayat Raj (E5) Department, dated 15.06.2006.

2. The writ petitioner is now working as Hand Pump Fitter Helper, on daily wage basis.

3. The learned counsel appearing for the writ petitioner states that the writ petitioner is working as such for a considerable length of time and therefore, he must be appointed in the sanctioned post in the regular time scale of pay.

4. As per the legal principles settled by the Constitution Bench of the Honourable Supreme Court of India, the case of ***the Secretary, State of Karnataka and others vs. Umadevi and others***, reported in ***(2006) 4 SCC 1***, all appointments are to be made strictly in accordance with the recruitment rules in force. By filing a writ petition, a candidate cannot secure appointment, merely on the ground that he was appointed as a daily wage employee. Even in respect of all such temporary employees, they have to secure public employment in a sanctioned post only by participating in the selection process at the time of issuing recruitment notification. This being the principles to be followed, the writ petitioner is at liberty to participate in the selection process, if any recruitment notification is issued, for appointment to the post of Night Watchman or Office Assistant or other similar posts.

5. With these observations, the writ petition stands dismissed. No costs.

Sd/-

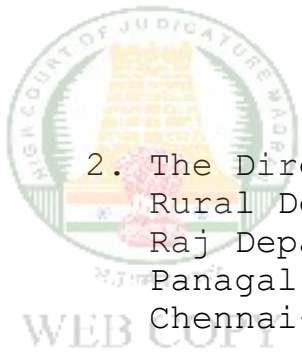
Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The Secretary,
Rural Development and
Panchayat Raj Department,
Secretariat, Chennai-600 009.



2. The Director / Commissioner,
Rural Development and Panchayat
Raj Department,
Panagal Building, Saidapet,
Chennai-600 015.

3. The District Collector,
Kanyakumari District,
Nagercoil-629 001.

4. The Commissioner,
Rajakkamangalam Panchayat Union,
Rajakkamangalam,
Kanyakumari District.

+1 CC to Special Government Pleader (SR-76631[F] dated
22/07/2019)

+1 CC to M/s.M.DENNIS JOE, Advocate (SR-76822[F] dated
23/07/2019)

W.P. (MD) No.10346 of 2014
19.07.2019

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