

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.26976, 26978 & 26980 of 2007
and W.M.P.Nos.1 & 2 of 2007, 2 of 2007 & 3 of 2007

C.Palanif
S/o. M.China kannan

... Petitioner in
W.P.No.26976 of 2007

E.Nithyanandam,
S/o. E.Egambaram.

... Petitioner in
W.P.No.26978 of 2007

M.Ganapathy,
S/o. P.Munusamy.

... Petitioner in
W.P.No.26980 of 2007

Versus

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Local Administration and Rural Development
Department
Fort St. George,
Chennai -600 009

2.Director of Rural Development,
Panagal Building,
Saidapet, Chennai.

3.The District Collector,
Tiruvallur District.

4.The Commissioner,
Panchayat Union R.K.Pet,
Thiruvallur District.

... Respondents 1 to 3 in
W.P.Nos.26976, 26978 & 26980 of 2007

... 4th Respondent
in W.P.Nos.26976 of 2007

The Commissioner,
Panchayat Union minjur,
Pin-601203

... 4th Respondent
in W.P.Nos.26978 of 2007

The Project Officer,
DRDA Tiruvallur,
Tiruvallur District.

... 4th Respondent
in W.P.Nos.26980 of 2007

COMMON PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order in Na.Ka.39561/2006/L1(a)4 dated 20.07.2007 on the file of the third respondent and quash the same and consequently directing the respondents to absorb the petitioner in the Time scale as Jeep Driver.

For Petitioners in
W.P.Nos.26976, 26978 & 26980 of 2007: P.Ganesan

For Respondents in
W.P.No.26976, 26978 & 26980 of 2007 : Mr.K.Magesh
Special Government Pleader

COMMON ORDER

The case of the petitioner in W.P.No.26976/2007 is that he was appointed as Jeep Driver in the office of Commission Panchayat Union/4th respondent herein from 01.08.1999 in regular permanent retirement vacancy. The case of the petitioner in W.P.No.26978/2007 is that he was appointed as Jeep Driver in the office of Commissioner Panchayat Union from 15.03.2002 in regular permanent retirement vacancy. The case of the petitioner in W.P.No.26980/2007 is that the petitioner was appointed as Jeep Driver in the office of Project Officer DRDA Tiruvallur from 18.02.1999 in regular permanent retirement vacancy.

2. The Government has issued orders for regularization of service of daily wage employees who are continuously working without any break. While so, the fourth respondent took steps to fill up the vacancy of Jeep Drivers ignoring the persons, who are already working. The petitioners made representation along with others. Interview was also conducted on 20.06.07 for those

ex-servicemen ignoring petitioners claim and they have not issued appointment order to them. The petitioners and similarly placed other persons jointly made representation to the respondent apart from the Chief Minister's Cell and the concerned Minister and the Secretary to Government. The representation was given on 11.06.2007 itself. Since the petitioners representation was not considered. Therefore, challenging the impugned order dated 20.7.2007 passed by the third respondent, and hence the present petition.

3. The learned counsel for the petitioners would submit that the petitioner was working as Jeep Driver dated 01.08.1999, 15.03.2002 and 18.02.1999 respectively onwards on regular basis. Instead of considering the petitioners representation, the respondents called for list of names of Ex-serviceman and trying to fill up the post. Therefore, the petitioners along with others filed a Writ Petition before this Court in W.P.No.22316 of 2007 etc., batch and this Court disposed the same by an order dated 02.07.2007 directing the respondents to consider and pass appropriate orders on merits within a period of six weeks from the date of receipt of a copy of the order, till such time, the petitioners shall not be terminated by the respondents. On receipt of the above order, the third respondent passed an order dated 20.07.2007 rejecting petitioners claim also on the ground that they have not been properly appointed as Jeep Driver by the competent authority. Hence, the present petition.

4. The learned Special Government Pleader would submit that the work was not allotted by competent authority and they were not appointed as Driver on daily wages by competent authority and this Court granted the direction in W.P.No.22316 of 2007 & 22321 of 2007 etc., batch and this Court disposed the same by an order dated 02.07.2007 directing the respondents to consider and pass appropriate orders on merits within a period of six weeks from the date of receipt of a copy of the order, till such time, the petitioners shall not be terminated by the respondents. On receipt of the above order, the third respondent passed an order dated 20.07.2007 rejecting their claim on the ground that they have not been properly appointed as Jeep Driver by the competent authority. Therefore, their representation cannot be considered.

5. Admittedly, the petitioners have not produced any document to show that they were appointed by the competent authority as Jeep Driver in the service as daily wages basis. In the absence of any documentary proof, the petitioners are not entitled to the relief sought for in the Writ petitions. Therefore, there is no merit in the Writ Petitions and hence, liable to be dismissed. Accordingly, these Writ Petitions are

dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

mpa

To

1.The Secretary to Government,
Local Administration and Rural Development
Department
Fort St. George,
Chennai -600 009

2. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai.

3.The District Collector,
Tiruvallur District.

4.The Commissioner,
Panchayat Union R.K.Pet,
Thiruvallur District.

5.The Commissioner,
Panchayat Union minjur,
Pin-601203.

6.The Project Officer,
DRDA Tiruvallur,
Tiruvallur District.

+2 CC to Mr. K. GOVINDAN, Advocate on payment of necessary
charges SR.NOs.37505, 37506

+3 CC to Mr. K. MAGESH, SPECIAL GOVERNMENT PLEADER, HIGH COURT,
SR.NO.37562

W.P.Nos.26976, 26978 & 26980 of 2007
and W.M.P.Nos.1 & 2 of 2007, 2 of 2007 & 3 of 2007

EV (CO)
NS-19/12/2020