

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.16040 and 16041 of 2013
and
MP Nos.1 and 2 of 2013

1. B.Boothatti
2. Anumakka
3. Kanniammal
4. Chenneerappa
5. Latchumamma
W/o. Omiliappa
6. Latchumamma
W/o.Ramasamy
7. Naduppamma
8. A.Maria Irudhayam
9. B.Mala
10. M.Jedematha
11. N.Puttusamy
12. Rangathal
13. N.Beemarao
14. Thammappan

V.Munusamy

... Petitioners in
W.P No.16040 of 2013
... Petitioner in
W.P. No.16041 of 2013

Vs

1. The State of Tamil Nadu
Rep. By the Secretary,
Handloom,
Handicrafts,
Textiles & Khadi Department,
Fort St. George,
Chennai - 600 009.

2. The Director,
Department of Sericulture,
Annaaimedu,
Salem - 636 001.

3. The Assistant Director,
Department of Sericulture,
Perialavu Silk Farm,
Kolatti,
Denkanikotta Taluk,
Krishnagiri District - 635 107.

...1st & 2nd Respondents in
both W.P.s

4. The Assistant Director,
Department of Sericulture,
Government Silk Farm,
Uthanappalli,
Hosur Taluk,
Krishnagiri District - 635 119.

5. The Assistant Director,
Department of Sericulture,
Krishnagiri Main Road,
Dharmapuri - 636 701.

6. The Assistant Director,
Department of Sericulture,
Perialavu Silk Farm
Mathahalli Post,
Sathi Taluk,
Erode District.

7. The Assistant Director,
Department of Sericulture,
Thalavadi,
Sathi Taluk,
Erode District.

8. The Assistant Director,
Department of Sericulture,
50, Cornwall Road,
Connoor,
The Nilgiris District.

3. The Assistant Director,
Farmer's Training Institute,
Sericulture Department,
Vaniyambadi,
Vellore District.

...Respondents 3 to 8 in
W.P. No.16040 of 2013

...3rd respondent in
W.P. No.16041 of 2013

Prayer in WP No.16040 of 2013 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to allow the petitioners to continue in service as Sericulture worker till the completion of 60 years as per FR 56(i)

Prayer in WP No.16041 of 2013 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to allow the petitioner to continue in service as Sericulture worker till the completion of 60 years as per FR 56(i)

For Petitioner in both petitions : M/s.Lesi Saravanan

For Respondents in both petitions : Mr.S.Thangavel,
Spl.Govt. Pleader

COMMON ORDER

Petitioners have come up with the above writ petitions seeking a direction to the respondents to allow them to continue in service as Sericulture worker till the completion of 60 years as per FR 56(i).

2. As the issue involved in both these writ petitions is one and the same, both these cases are taken up for disposal by a common order.

3. The case of the petitioners is that they were initially appointed on daily wages basis and subsequently on issuance of regularisation orders, they were appointed on regular basis as per G.O. Ms. No.25, Handloom, Handicrafts, Textiles & Khadi (G2) Department, dated 23.02.2010 and accordingly 520 workers were granted regularisation in permanent posts. While regularizing their services, the Government relaxed Rule 4 of the Tamil Nadu Basic Service Rules, i.e., the rule relating to recruitment through Employment Exchange. While so, by placing reliance on the letter No.5626/G2/2010-4, dated 20.6.2011, the respondents orally directed the petitioners to retire from service on completion of 58 years pointing out the aforesaid letter that "Sericulture Workers" do not fall under the Tamil Nadu Basic Service Rules. Thus, it is the grievance of the petitioners that the aforesaid letter is only a clarification letter and by following the rules, they may be allowed to retire at the age of 60 years. Hence, they approached this Court for appropriate direction to the respondents in the above regard.

3. Mr.S.Thangavel, learned Special Government Pleader appearing for the respondents reiterating the counter affidavit would submit that prayer sought for by the petitioners herein were fulfilled, since the 1st respondent issued a G.O. Ms.No.124, Handlooms, Handicrafts, Textiles & Khadi Department, dated 3.5.2017, thereby they were allowed to retire on attaining the age of 60 years and thus the relief has now become infructuous.

4. In view of the fact that the petitioners have been permitted to retire at the age of 60 years, as submitted by the learned Special Government Pleader, pending the Writ Petition and the same having not been disputed by the learned counsel for the petitioners, nothing survives for consideration in these writ petitions.

5. Accordingly, both these Writ Petitions are closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary,
State of Tamil Nadu
Handloom,
Handicrafts,
Textiles & Khadi Department,
Fort St. George,
Chennai - 600 009.

2. The Director,
Department of Sericulture,
Annaimeedu,
Salem - 636 001.

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Perialavu Silk Farm,
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Sericulture Department,
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Vellore District.

+1cc to the Government Pleader, S.R.No.38438

W.P.NoS.16040 and 16041 of 2013

bp (CO)
rv(19/01/2021)



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