

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.37776 & 37777 of 2007

and

(M.P.Nos.1 to 3 of 2007 in W.P.No.37776 of 2007

and

M.P.Nos.1 to 3 of 2007 in W.P.No.37777 of 2007

and

M.P.Nos. 1 & 1 of 2008

G.Velu

....Petitioner

(in W.P.No.37776 of 2007)

I.T.Inbasekaran

....Petitioner

(in W.P.No.37777 of 2007)

Versus

1. State of Tamil Nadu,
Rep. By its Secretary to Government,
Rural Development &
Panchayatraj Department
Secretariat, Chennai - 9.
2. Director of Rural Development
Panagal Building,
Saidapet, Chennai - 15.
3. District Collector,
Thiruvallur District,
Thiruvallur.
4. Project Officer,
District Rural Development Agency
Thiruvallur,
Thiruvallur District.

.... Respondents

(in both Writ Petitions)

COMMON PRAYER : Writ petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the 3rd respondent in his Proceedings Na.Ka.39561/2006/Pa(a)4 dated 20.07.2007 and quash the same and direct the Respondents to absorb the petitioner in the Time Scale as Jeep Driver respectively.

For Petitioners : Mr.K.Govindan
(in both writ petitions)

For Respondents : Mr.K.Magesh
Special Government Pleader
(in both writ petitions)

C O M M O N O R D E R

The case of the petitioners is that they were appointed as Jeep Driver by the 4th respondent herein on 8.2.1998 and January 2002 respectively in regular and permanent vacancy. 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 petitioner's and similarly placed persons claim and not issued appointment order to the petitioner and others. 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, challenging the impugned order dated 20.7.2007 passed by the third respondent, the present petition is filed.

2. The learned counsel for the petitioners would submit that the petitioners was working as Jeep Driver in the year 1998 and 2002 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 on the ground that they have not been properly appointed as Jeep Driver by the competent authority. Hence, the present petition.

3. 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 his claim on the ground that they have not been properly appointed as Jeep Driver by the competent authority. Therefore, their claim cannot be considered.

4. Admittedly, the petitioners have not produced any document to show 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 relief sought for in the Writ petitions. Therefore, there is no merit in the Writ Petitions and 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

To

1. The Secretary to Government,
Rural Development &
Panchayatraj Department
Secretariat, Chennai - 9.
2. The Director of Rural Development
Panagal Building,
Saidapet, Chennai - 15.
3. The District Collector,
Thiruvallur District,
Thiruvallur.
4. The Project Officer,
District Rural Development Agency
Thiruvallur,
Thiruvallur District.

+1cc to Mr.K.Magesh, Advocate, S.R.No.37173

+1cc to the Government Pleader, S.R.No.37217

W.P.Nos.37776 & 37777 of 2007

GJ(CO)

RV(31/12/2020)