

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.27878 & 29840 of 2013

V.Chinnasamy ... Petitioner in W.P.No.27878 of 2013
P.Subramanian ... Petitioner in W.P.No.29840 of 2013

vs.

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Registration Department,
Secretariat, Chennai 600 009.

2.The Inspector General of Registration,
Chennai 600 028.

3.The District Registrar (Administration),
District Registration Office,
Namakkal,
Namakkal District.

...R1 to R3 in both WPs

4.The Sub Registrar,
Office of Sub Registrar,
Mallasamuthiram,
Thiruchengode Taluk,
Namakkal District.

...R4 in WP 27878/13

5. The Sub Registrar, Office of the Sub Registrar,
Paramathi Vellur, Namakkal District

...R5 in WP 29840/13

Writ Petition No.27878 of 2013 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 passed by the 2nd Respondent in his proceedings No.49493/BA1/2010, dated 21.01.2011 and quash the same, and direct the Respondents to appoint the Petitioner as Night Watchman in the regular time scale in the Registration Department and confer all the consequential benefits.

Writ Petition No.29840 of 2013 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 passed by the 2nd Respondent in his proceedings No.49493/BA1/2010, dated 21.01.2011 and quash the same, and direct the Respondents to appoint the Petitioner as Night Watchman in the regular time scale in the Registration Department and confer all the consequential benefits.

For Petitioner in both W.Ps. : Mr.P.Ganesan
For Respondents in both W.Ps. : Mr.T.M.Pappiah,
Special Govt. Pleader

COMMON ORDER

As the issue involved in the above Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. According to the Petitioners, they were selected and appointed as part-time Masalji on a consolidated pay of Rs.300/- per month and joined in the office of the Sub-Registrar, Mallasamuthiram, Thiruchengode Taluk, Namakkal District. When the Respondent sought for regularization of Masalji, the Government rejected the same on the ground that, the Government have issued orders for regularization only for daily-rated employees, who worked for more than 10 years and in the absence of any Government Order, the request cannot be considered.

3. Thereafter, as the 2nd Respondent issued a Circular dated 09.02.2007 directing the Deputy Inspector General of Registration to fill up the post of Record Clerk by way of promotion and the post of Watchman by way of outsourcing, challenging the same, Masaljis including the Petitioners herein filed W.P.No.8106 of 2007 seeking a direction to regularize their services with all benefits. This Court, by an order dated 19.08.2010, directed the Petitioners therein to make proper representation with all documents in support of their claim to the 2nd Respondent and on receipt of the same, the 2nd Respondent was directed to send the proposal to the Government to consider and pass orders. However, the 2nd Respondent vide the impugned order dated 21.01.2011 rejected the claim of the Petitioners herein on the ground that, there are no rules for regularization. Hence, the present Writ Petition.

4. Learned counsel for the Petitioners submitted that, though the Petitioners' request was rejected, the relief sought for by a similarly placed person was considered and the Government took a policy decision vide G.O.Ms.No.84, Commercial

Taxes & Registration Department, dated 18.06.2012, regularizing the services of Masaljis. However, the said benefit was not extended to the Petitioners herein. Hence, he pleaded that, the Petitioners may be permitted to submit a detailed representation to the 2nd Respondent herein by enclosing a copy of the said Government Order, in order to enable the 2nd Respondent to pass appropriate orders within a stipulated time.

5. Learned Special Government Pleader appearing for the Respondents submitted that, if any representation is received from the Petitioners, the same will be considered by the Respondents in accordance with law.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Having regard to the submissions made by the learned counsel on either side, this Court, without going into merits of the case, directs the Petitioners herein to send a detailed representation to the 2nd Respondent herein along with a copy of G.O.Ms.No.84, dated 18.06.2012 and a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 2nd Respondent shall consider the Petitioners' representation and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks.

In fine, Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

(vsi2/aeb)

To:

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Registration Department,
Secretariat, Chennai 600 009.
2. The Inspector General of Registration,
Chennai 600 028.
3. The District Registrar (Administration),
District Registration Office,
Namakkal,
Namakkal District.

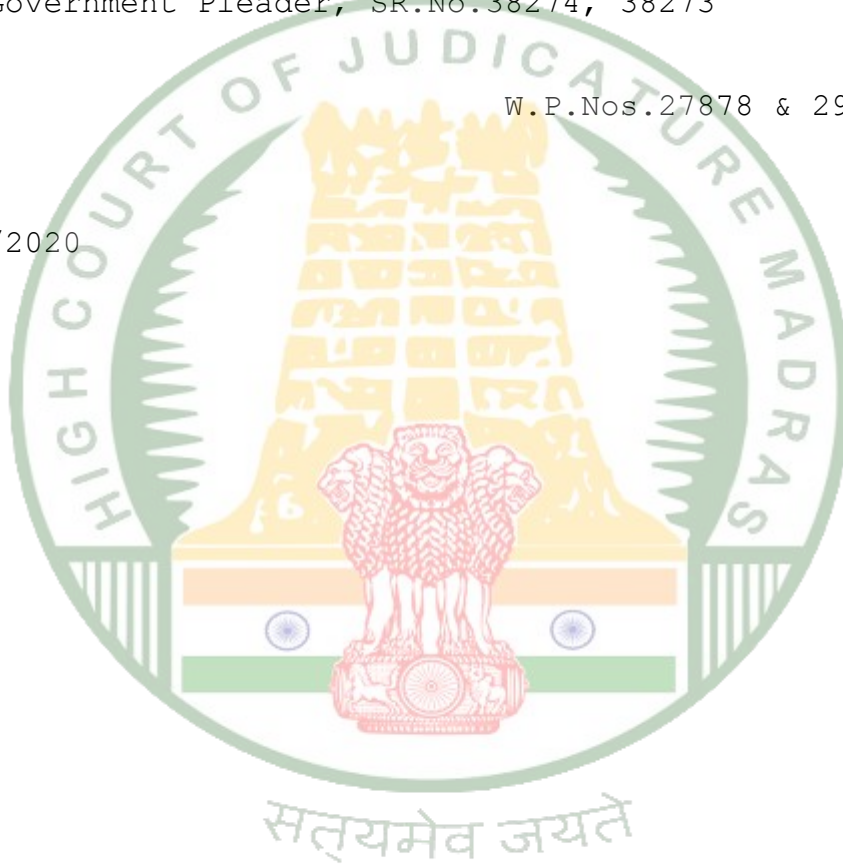
4. The Sub Registrar,
Office of Sub Registrar,
Mallasamuthiram,
Thiruchengode Taluk,
Namakkal District.

5. The Sub Registrar,
Office of Sub Registrar,
Paramathi Vellur,
Namakkal District.

+2ccs to M/s.C.S.Associates , Advocate, SR.No.37896, 37895
+2ccs to Government Pleader, SR.No.38274, 38273

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UM(CO)
KKV/10/12/2020



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