

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28165 & 21403 of 2013

K.Aruna ... Petitioner in WP.28615/2013

K.Jinnadoss ... Petitioner in WP.21403/2013

Vs

1.The Government of Tamilnadu,
Rep. By its Secretary, Agricultural Department.,
Fort St. George, Chennai-9.

2.The Chief Engineer,
Agricultural Engineering Department,
328, Anna Salai, Nandanam, Chennai-35

3.The Executive Engineer,
Agricultural Engineering Department,
Gandhi Nagar, Thiruvannamalai.

4.The Assistant Executive Engineer,
Agricultural Engineering Department,
Kanchi Road, Thiruvannamalai District.

... Respondents in both Wps.

Prayer in WP.28165/2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the respondents to appoint the petitioner in the existing vacancy as per the orders of Tamil Nadu Administrative Tribunal in OA.NO.2229 of 2001 dated 27.03.2001.

Prayer in WP.21403/2013: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the respondents to appoint the petitioner in the existing vacancy as per the orders of Tamil Nadu Administrative Tribunal in OA.NO.4162 of 2001.

For Petitioners : Mr. V.Ragahavachari

For Respondents: Mr.S.Thangavel, Spl.GP. For RR1 & 2

COMMON ORDER

As the relief sought for in both the petitions are similar, they are disposed of by this common order.

2. These writ petitions have been filed by the petitioners praying for the issuance of Writ of Mandamus, to direct the respondents to appoint the petitioners in the existing vacancy as per the orders of Tamil Nadu Administrative Tribunal in OA.NO.2229 of 2001 dated 27.03.2001 and in OA.NO.4162 of 2001 respectively.

3. According to the petitioners, the petitioners after completing their diploma in civil engineering, they joined NMR Technical Assistant in the respondent department under the Jawahar employment scheme on daily wage basis in the year 1991 and 1995. In the year 1995, the said scheme was over and the employment of the petitioners were terminated. The grievance of the petitioners is that even after continuous service for more than three years, their services were not regularised. However, as the department attempted to induct candidates in the place of NMR's, the petitioners approached the Tamil Nadu Administrative Tribunal, Chennai seeking for their appointment in Agricultural Engineering Department by filing O.A. Nos.2229 and 4162 of 2001. The Tribunal disposed of their applications on 27.03.2001 and 10.07.2001, with a direction to the respondents to consider their claims for regular appointments as and when vacancy arises. As per the order of the tribunal, the petitioners submitted applications to the 2nd respondent to consider their case for regular appointment. On 29.08.2001, the 2nd respondent had recommended to the 1st respondent to consider them for regular appointment. Though the petitioners made request continuously to all the respondents, their claim for regular appointments it was kept pending inspite of the recommendation made by respondents 2 and 3. The petitioners made representations on 24.07.2013 and 15.05.2013 respectively to the respondents, and since no action was taken on their representations, left with no other option, the petitioner approached this Court by filing these writ petitions.

4. The learned counsel for the petitioners submits that though the petitioner has rendered more than 6 years of continuous service at the relevant point of time as NMR in the respondent department under the Jawahar employment scheme, however, their services were not regularized. After filing these writ petitions the respondents filed a counter affidavit stating that subsequently the representations of the petitioners were disposed of, though the said order was not communicated to the petitioners. It is therefore submitted that the court may

direct the respondents to communicate the order passed on their representations and this Court may permit the petitioners to work out their remedies before the manner known to law.

5.The learned Special Government Pleader appearing for the respondents has no serious objections to the limited relief sought for by the petitioners.

6. In the light of the above, conceding to the limited relief sought for by the learned counsel for the petitioner, these writ petitions are dismissed with a direction to the respondents to communicate to the petitioners the decision taken on their representations. The petitioners are granted liberty to workout their remedies in the manner known to law on receipt of the communication from the respondents. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

jrs

To

- 1.The Secretary to Government
Agricultural Dept.,
Government of Tamilnadu,
Fort St. George, Chennai-9.
- 2.The Chief Engineer,
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- 3.The Executive Engineer,
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Gandhi Nagar, Thiruvannamalai.
- 4.The Assistant Executive Engineer,
Agricultural Engineering Department,
Kanchi Road, Thiruvannamalai District.

+1cc to Mr.V.Ragahavachari, Advocate SR.No.24962

W.P.Nos.28165 & 21403 of 2013

MP(CO)
GMY(14/08/2020)