

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.16836 of 2020

and

W.M.P.Nos.20881 & 20884 of 2020

1.M.Senthil

S/o N.Maruthai

2.C.Palani

S/o Chinnakannan

3.S.Amal Raj

S/o E.Selvaraj

....Petitioners

-Vs-

1) The Additional Chief Secretary-cum
Secretary to Government, Rural Development
and Local Administrative Department
Fort St.George, Chennai.

2) The Director of Rural Development
Panagal Building, Saidapet, Chennai-15.

....Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Letter No.1935/Pa.A-5/2016-22 dated 05.03.2020 and quash the same and consequently direct the respondents to regularise the services of the petitioners as Drivers in the Block Development Offices of different Collectorates in the light of the proposals forwarded by the 2nd respondent vide his Proceedings in Na.Ka.No.27020/2014/F1 dated 18.12.2018 and in the light of the order passed by this Hon'ble Court in W.P.No.8500/2020 dated 17.09.2020.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The case of the petitioners is that they have been working as Drivers in different Block Development Offices in various Collectorates. According to them, they have been continuously working for more than 18 years. On 15.05.1981, G.O.Ms.No.878 was issued by the Government for regularising the services of the employees who have completed ten years of continuous service. On the basis of the said Government Order, similarly placed employees like the petitioners herein had been granted regularisation.

2. Thereafter, another G.O.22 dated 23.02.2006 was issued on similar lines. In pursuance of G.O.No.22, thousands of employees in various departments had been regularised and in fact relying on the said G.O., this Court has passed several orders directing regularisation of services of casual employees working for over ten years.

3. As far as the case on hand is concerned, the first respondent had been calling for proposals since 2015 for regularisation from the second respondent in regard to the employees who had completed more than ten years of service for the purpose of regularising them. In response to the first respondent's directive, the second respondent appears to have forwarded the consolidated list on several occasions detailing the employees who had completed ten years of service. According to the petitioners herein, the names of the petitioners did find place in the list forwarded by the second respondent to the first respondent.

4. While the matter stood thus, as there was no action forthcoming from the authorities, the petitioners herein had approached this Court in W.P.No.34348/2019 and W.P.No.380 of 2020 seeking direction to the respondents herein to regularise their services in terms of their claim.

5. This Court disposed of the above said writ petitions on 10.12.2019 and on 08.01.2020 respectively directing the first respondent to take up the proposal dated 18.12.2018 forwarded by the second respondent and pass appropriate orders in accordance with law within a period of six weeks. Pursuant to the above directions, vide proceedings dated 05.03.2020 the claim of the petitioners was rejected after referring to certain decisions of the Honourable Supreme Court. Challenging the proceedings dated 05.03.2020 the petitioners are once again before this Court.

6. When the matter was heard today, Mr.Vijay Shankar, learned counsel for the petitioner appearing for the petitioners would submit that despite the proposals forwarded by the second respondent to the first respondent, unfortunately without proper consideration of the claim, the first respondent has rejected the claim on the basis of the decision of the Honourable Supreme Court of India cited therein. The learned counsel would submit that the impugned proceedings does not reflect proper and correct appreciation of the claim in terms of various Government Orders issued on the subject matter of regularisation from time to time. He would therefore submit that as the impugned proceedings have been issued rejecting the claim of the petitioners summarily, he would be satisfied if a direction is once again issued to the first respondent to consider the claim of the petitioners afresh.

7. The learned counsel would also submit that this Court recently in respect of 18 employees from the same Department has passed a direction in W.P.No.8500/2020 on 17.09.2020 to reconsider the issue afresh, after setting aside the same impugned order dated 05.03.2020.

8. Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondent submits that in view of the earlier direction dated 17.09.2020 of this Court in identical circumstances, if such a direction is issued and a time limit is fixed, the same would be complied with.

9. Although this Court expressed its reservation even in the earlier direction about once again directing the authority to take a call in the matter in the teeth of the impugned rejection, however the learned counsel for the petitioners would reiterate that this time the Government is likely to take positive decision in the matter.

10.Considering the request of the petitioners' counsel, the writ petition is disposed of with the directions as under.

i)The first respondent shall consider the claim of the petitioners for regularisation in terms of various Government Orders issued on the subject matter and also to take into account the proposals mooted by the second respondent for the regularisation within a period of eight weeks from the date of receipt of a copy of this order.

ii)The first respondent shall also take into consideration whether these petitioners come within the exceptional category carved out by the Honourable Supreme Court in the matter of regularisation and even otherwise whether under the Scheme of Government, whether they could be regularised otherwise, as admittedly the petitioners have been working for quite a long number of years and their case need to be addressed with utmost sympathy and compassion.

11. In view of the directions issued as above, the impugned proceedings stands set aside. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1) The Additional Chief Secretary-cum Secretary to Government, Rural Development and Local Administrative Department Fort St.George, Chennai.
- 2) The Director of Rural Development Panagal Building, Saidapet, Chennai-15.

+1cc to Mr.V.Vijayshankar, Advocate, S.R.No.38622

+1cc to the Government Pleader, S.R.No.38654

W.P.No.16836 of 2020

EV(CO)
KKV/04/12/2020

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