



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) Nos.11737 and 11741 of 2020

S.Singaravel ...Petitioner in W.P. (MD) No.11737 of 2020
E.Dhanuskodi ...Petitioner in W.P. (MD) No.11741 of 2020
-Vs-

- 1.The Principal Secretary to Government &
Agriculture Production Commissioner,
Department of Agriculture,
Fort St. George, Chennai-600 009.
- 2.The Commissioner,
Directorate of Agricultural Marketing and Agri Business,
Guindy, Chennai-600 032. ... Respondents 1 and 2
in both Writ Petitions
- 3.The Secretary,
Kanyakumari Market Committee,
Tiruvanthapuram Road, Krishnan Koil,
Nagercoil, Kanyakumari District. ...3rd Respondent
in W.P. (MD) No.11737 of 2020
- 3.The Secretary,
Tirunelveli Market Committee,
Nirubar Colony, Anna Nagar,
Palayamkottai-627011,
Tirunelveli District. ... 3rd Respondent
in W.P. (MD) No.11741 of 2020

Prayer in W.P. (MD) No.11737 of 2020: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider and pass orders on the petitioner's representation dated 07.06.2019 seeking to absorb the petitioner in time scale of pay in the existing vacant post of Driver under the third respondent herein within a reasonable time as may be specified by this Court.

Prayer in W.P. (MD) No.11741 of 2020: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to consider and pass orders on the petitioner's representation dated 23.09.2019 seeking to absorb the petitioner in time scale of pay in the existing vacant post of Driver under the third respondent herein within a reasonable time as may be specified by this Court.

For Petitioners : Mr.E.V.N.Siva
For R1 and R2 : Mr.A.Thiyagarajan,
(in both W.Ps.,) Government Advocate.



COMMON ORDER

Since the issue raised in both the Writ Petitions is one and the same and the relief sought for is also similar, with the consent of the learned counsel on both sides, these Writ Petitions are heard together and disposed of at the admission stage itself by way of this common order.

2.Heard Mr.E.V.N.Siva, learned counsel appearing for the petitioners and Mr.A.Thiyagarajan, learned Government Advocate, who takes notice on behalf of the respondents 1 and 2 in both Writ Petitions.

3.The petitioner in W.P.(MD)No.11737 of 2020 was appointed as Driver initially in the year 2005 on consolidated pay and the petitioner in W.P.(MD)No.11741 of 2020 was also appointed as Driver in that way at the third respondent in the year 2009. Thereafter, in the year 2013 their consolidated pay has been increased and further, their consolidated pay has subsequently, been increased. However, till date, they are working only under consolidated pay, of course from the date of initial appointment continuously without break.

4.In this context, it is the grievance of the petitioners that, since the first petitioner has been working as Driver continuously on consolidated pay for 15 years and the second petitioner is for 11 years, therefore, in order to bring them under regular time scale of pay, they made several requests so far and last such representation was made on 07.06.2019 by the first petitioner and 23.09.2019 by the second petitioner.

5.Therefore, the learned counsel appearing for the petitioners would submit that, if the said representations are directed to be considered by the respondents, especially, third respondent and an order to that effect on merits is directed to be passed with regard to the grievance of the petitioners to bring them under regular time scale of pay, the petitioners would be satisfied.

6.Heard Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents 1 and 2 in both Writ Petitions, who would submit that, the said representations submitted separately by the petitioners would be considered by the respondents especially, third respondent, on merits and in accordance with law, within a time frame that may be stipulated by this Court.

7.In this regard, it is to be noted that, insofar as W.P.(MD)No.11737 of 2020 is concerned, by the proceedings dated 24.06.2019 of the third respondent, the said petitioner has been in fact given additional charge of driving the vehicle of the Chairman / President of Market Committee, apart from the vehicle of



the Secretary, in which the said petitioner is already driving.

8. When such kind of additional burden of duty is entrusted on the petitioners, continuously keep them under consolidated pay for several years may not be justifiable.

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9. Therefore, having regard to the said facts of the case and having considered the submissions made by the learned counsel appearing for both sides, this Court is inclined to pass the following order:-

"that the respondents, especially, the third respondent is hereby directed to consider the representations of the petitioners dated 07.06.2019 and 23.09.2019, on merits and in accordance with law and pass orders thereon by taking into account the long service rendered by the petitioners i.e., 15 years and 11 years respectively as Drivers at the third respondent on consolidated pay and accordingly, pass necessary orders with regard to the grievance of the petitioners to bring them under regular time scale of pay and in this regard, if the third respondent wants the concurrence of the respondents 1 and 2, the needful also can be obtained by the third respondent from the respondents 1 and 2, ultimately, final order shall be passed by the third respondent, within a period of three months from the date of receipt of a copy of this order."

10. With this direction, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary to Government &
Agriculture Production Commissioner,
Department of Agriculture,
Fort St. George, Chennai-600 009.

<https://hcservices.courts.gov.in/hcservices>



2.The Commissioner,
Directorate of Agricultural Marketing and Agri Business,
Guindy, Chennai-600 032.

3.The Secretary,
Kanyakumari Market Committee,
Tiruvanthapuram Road, Krishnan Koil,
Nagercoil, Kanyakumari District.

4.The Secretary,
Tirunelveli Market Committee,
Nirubar Colony, Anna Nagar,
Palayamkottai-627011,
Tirunelveli District.

+2 CC to M/s.E.V.N. SIVA, Advocate (SR-17216[F], SR-17217[F] dated
17/09/2020)

W.P. (MD) Nos.11737 and 11741 of 2020
16.09.2020

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SSS (CO)

KK(05.11.2020) 4P 7C