



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).Nos.10303 and 10304 of 2015
and
MP(MD)Nos.1 and 1 of 2015

1.P.Jayakumari ... Petitioner in W.P.(MD)No.10303 of 2015
2.Chandrabose ... Petitioner in W.P.(MD)No.10304 of 2015

-Vs-

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Block Development Officer,
Munchirai Panchayat Union,
Munchirai, Kanyakumari District.

3.The President,
Painkulam Village Panchayat,
Painkulam Post,
Kanyakumari District. ... Respondents in both petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent proceedings Na.Ka.No.Va3/32364/2014, dated 07.04.2015 quash the same as illegal, consequentially directed the third respondent to pay all the arrears of wages payable to the petitioners from 2012 to 2015 forthwith.

For Petitioner : Mr.N.S.Ramakrishnadass
(in both petitions)

For Respondents : Mr.P.Mahendran
(in both petitions) Additional Government Pleader
(for R1 and R2)

Mr.S.Kumar (for R3)

COMMON ORDER

The order of rejection states that the claim of the writ petitioners for enhanced daily wages cannot be considered and further, the appointment of the petitioner was irregular. In other words, the petitioner was not appointed in accordance with the Rules in force.



2.The learned counsel for the petitioners strenuously contended that the petitioners were appointed as Water Supply Assistant under the control of the third respondent. The third respondent Panchayat is a Village Panchayat and Union Office at Munchirai. They are receiving daily wages salary and the petitioners are working as full-time employee. The petitioners states that the services of the petitioners are utilized for collection of water tax and therefore, they are to be considered as a full-time employee.

3.The learned Additional Government Pleader appearing for the respondents 1 and 2 brought to the notice of this Court that the Panchayat President issued a letter stating that the petitioners are now receiving the daily wages salary of Rs.490/- itself, in accordance with the Government Orders in force and therefore, the statement of the petitioners are wrong. When the petitioners are now receiving a sum of Rs.490/- per day, the relief cannot be granted.

4.The learned counsel for the petitioners states that the salary was not paid properly during the previous years. Therefore, the petitioners have made a representation to that effect.

5.This Court is of the considered opinion that the initial appointment of the petitioners were not in accordance with the services Rules in force. The petitioners were not appointed through District Employment Exchange concerned. When the initial appointment itself is irregular, the question of granting any further benefit does not arise at all. As of now, the petitioners are receiving the daily wage salary as per the Government Orders in force. They cannot seek any regularization or the benefit attached to the regular employees. The post of Water Head Tank Operator is a part-time job and there is no possibility of extracting full-time job from these employees. Thus, the petitioners are not entitled for any relief as such sought for in these writ petitions. The petitioners cannot seek regularization or permanent absorption as their initial appointment was irregular and they were not appointed through the District Employment Exchange. As of now, the daily wages as applicable with reference to the Government Order, is being paid to the writ petitioners and under these circumstances, no other relief can be considered.

6.With reference to the grievances of the writ petitioners that the daily wages as applicable during the relevant period from the year 2012-15 is not paid, the petitioner is at liberty to approach the competent authorities by setting out the details and such an event, the respondents are directed to consider the same in the manner known to law.



7. With these observations, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The District Collector,
Nagercoil, Kanyakumari District.

2. The Block Development Officer,
Munchirai Panchayat Union,
Munchirai, Kanyakumari District.

+2 CC to M/s.N.S.RAMAKRISHNADASS, Advocate (SR-23408[F] dated 01/12/2020)

+1 CC to M/s.GP (SR-23546[F] dated 01/12/2020)

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SR(CO)

TR(28.12.2020) 3P 6C