



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.10311 of 2017

and

W.M.P.(MD)Nos.7884, 7885 and 16360 of 2017

G.Rajalakshmi

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Rural Development and Panchayat,
Fort St. George, Chennai-09.

2.The Director of Rural Development and Panchayat,
Chennai-15.

3.The District Collector,
Collectorate, Trichirapalli,
Trichirapalli District 620 001.

4.The Joint Director/Project Director,
Project Implementation Unit,
Collectorate,
Trichirappalli District-620 001.

... Respondents

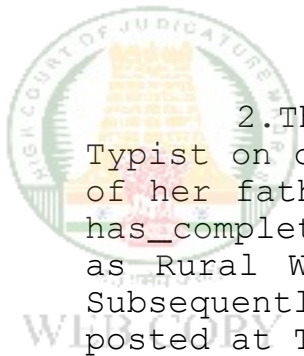
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.88116/2011/T2, dated 06.04.2017 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents: Mr.S.Dhayalan
Government Advocate

ORDER

The impugned order, dated 06.04.2017, cancelling the order of regularisation of the services of the writ petitioner, is under challenge in the present writ petition.



2.The petitioner was appointed as Junior Assistant-cum-Typist on compassionate ground on 29.05.2000 on account of the death of her father, who was working as Junior Assistant. The petitioner has completed her probation in the post of Typist. She was posted as Rural Welfare Officer Grade-II at Valangaiman Panchayat Union. Subsequently, she was transferred to Trichirappalli District and was posted at Thiruvarambur Panchayat Union. The petitioner was further promoted to the post of Assistant on 23.08.2006 and posted at Manaparai Panchayat Union, Trichirappalli District and presently she was working as Assistant at the Collectorate, Women Project Execution Unit.

3.The grievance of the petitioner is that she was appointed in the year 2000 as Junior Assistant on compassionate ground and she was further promoted to the post Assistant based on her seniority. Now after a lapse of 17 years, the impugned order has been passed, cancelling the regularisation granted to her on the ground that the post of Junior Assistant falls under the TNPSC purview and therefore, the initial appointment was irregular. The TNPSC has not ratified the appointment of the petitioner in the post of Junior Assistant. As far as the cadre falling under the purview of the Tamil Nadu Public Service Commission is concerned, approval is to be obtained. Admittedly, the writ petitioner was not appointed with the concurrence of the Tamil Nadu Public Service Commission to the post of Junior Assistant and therefore, the initial appointment was irregular. Citing the irregularity, the impugned order has been passed now after a lapse of 17 years. All along, the petitioner is working in the post of Junior Assistant and now in the promotional post of Assistant. In the event of sudden cancellation, without even providing any notice to the petitioner, it would affect the rights of the petitioner. Even the principles of natural justice has not been followed by the respondent, while issuing the impugned order of cancellation of regularisation. As far as the scheme of compassionate appointment is concerned, the Government issued comprehensive guidelines in G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020. Admittedly, the petitioner is serving in the department for about 20 years. She was granted promotion to the post of Assistant also.

4.Under these circumstances, this Court is of the considered opinion that the case of the writ petitioner is to be reconsidered for taking a decision in the light of the Government order now issued in G.O.Ms.No.18, Labour and Employment Department, dated 23.01.2020.

5.Accordingly, the impugned order passed by the second respondent in proceedings in Na.Ka.No.8816/2011/T2, dated 06.04.2017 is quashed and the second respondent is directed to reconsider the issues in the light of the Government order issued in G.O.Ms.No.23.01.2020 and pass appropriate orders on merits and in

<https://www.servicerecord.com/in/law> within a period of twelve (12) weeks from the



date of receipt of a copy of this order. The writ petitioner is also permitted to submit representation, if any, to the second respondent within a period of two weeks.

6. With these directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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/ /2021

Sub Assistant Registrar(CS)

sjj

To

1. The Principal Secretary,
State of Tamil Nadu,
Rural Development and Panchayat,
Fort St. George, Chennai-09.

2. The Director of Rural Development and Panchayat,
Chennai-15.

3. The District Collector,
Collectorate, Trichirapalli,
Trichirapalli District 620 001.

4. The Joint Director/Project Director,
Project Implementation Unit,
Collectorate,
Trichirappalli District-620 001.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.26146

+1cc to Special Government Pleader Sr.No.26208

W.P. (MD) .No.10311 of 2017

17.12.2020

DKS (CO)

NR (18/01/2020) 3P : 7C