

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.2172 and 2177 of 2021

G.Sridhar .. Petitioner in W.P. No.2172 of 2021
V.Dasarathan .. Petitioner in W.P. No.2177 of 2021

Vs.

- 1.The Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat, Chennai - 600 009
- 2.The Commissioner of Rural Development
and Panchayat Raj
Panagal Building, Saidapet,
Chennai - 600 095.
- 3.The District Collector
Vellore District
Vellore - 632 009
- 4.The Block Development Officer
Anaicut Union
Anaicut, Vellore District.
... 4th Respondent in WP.2177/2021
- 4.The Block Development Officer,
Gudiyatham Panchayat Union,
Gudiyatham,
Vellore District.
... 4th Respondent in WP.2172/2021

* * *

Prayer in W.P. No.2172 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the proposals of the 3rd respondent in Na.Ka.Pa4/3151/2012 dated 28.07.2014 and pass orders in the light of G.O. Ms. No.38, Rural Development & Panchayat Raj (E5) Department dated 03.05.2013.

Prayer in W.P. No.2177 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the proposals of the 4th respondent in Na.Ka.A1/2416/2016 dated 10.04.2017 and Na.Ka.A1/2204/2019 dated 15.11.2019 and pass orders in the light of G.O. Ms. No.38, Rural Development & Panchayat Raj (E5) Department dated 03.05.2013.

For Petitioners in : Mr.V.Thirupathi
both WPs

For Respondents : Mr.J.Pothiraj
in both WPs Special Government Pleader

O R D E R

The petitioners have come forward with these writ petitions for a Writ of Mandamus directing the respondents 1 to 3 to consider the proposals of the 4th respondent in Na.Ka.Pa4/3151/2012 dated 28.07.2014 in respect of petitioner in W.P. No.2172 of 2021 and in Na.Ka.A1/2416/2016 dated 10.04.2017 and Na.Ka.A1/2204/2019 dated 15.11.2019 in respect of petitioner in W.P. No.2177 of 2021 and pass orders in the light of G.O. Ms. No.38, Rural Development & Panchayat Raj (E5) Department dated 03.05.2013.

2. The case of the petitioners is that, based on their educational qualifications, they were appointed as Work Assistant on daily wage basis on 03.02.1997 and 11.03.1997 in Gudiyatham Panchayat Union, Vellore District and Anaicut Panchayat Union, Vellore and that they have been working in the said post for the past 23 years without absorption in the regular scale of pay.

3. It is the case of the petitioners that the Government vide G.O. Ms. No.69, Rural Development and Panchayat Department dated 06.08.2012, have ordered that those serving on daily wage basis for more than 10 years may be absorbed in regular post in regular time scale of pay as Office Assistant, Recoded Clerk commensurate with their educational qualifications by granting suitable relaxation of relevant rules. It is the further case of the petitioner that the petitioners are fully qualified by virtue of their educational qualifications and the third respondent submitted proposals to the 2nd respondent for regular absorption of 22 persons and that only 15 persons services were regularised and appointed as Record Clerks. Hence to redress their grievance they have sent representations and that the fourth respondent has sent proposals dated 28.07.2014 and 15.11.2019 respectively in respect of the above petitioners. As there was no response the petitioners have approached this court for a direction to the respondents 1 to 3 to consider the proposals sent by the fourth respondent. The petitioner in W.P. No.2172 of 2021 has sent two representations dated 04.08.2016 and 30.03.2017. The petitioner in W.P. No.2177 of 2021 has sent two representations dated 04.08.2016 and 12.11.2019.

4. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

5. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without

expressing any opinion on the merits of the case, directs the respondents 1 to 3 to consider the representations of the petitioner dated 04.08.2016, 30.03.2017 and 12.11.2019 and also consider the subsequent representations, if any, by affording an opportunity of hearing to them, within a period of two months from the date of receipt of a copy of this order.

6. It is needless to mention that the petitioners are entitled to give further/additional representation, if required, narrating the detailed facts and the respondents shall take into account the proposals made by the fourth respondent, if the same is applicable to the petitioners, and after hearing the petitioners, a decision shall be taken and the respondents are directed to communicate the decision taken on the representations, to the petitioners within a period of three weeks from the date of final decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioners to file contempt after expiry of the specified period. In case the authority concerned fail to send communication to the petitioners, he/she will have to face the civil imprisonment in case of contempt proceedings and, if he/she is unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the petitioners, at a later point of time, will not take a plea that he is not aware of the order.

7. With the above directions, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat, Chennai - 600 009

2.The Commissioner of Rural Development
and Panchayat Raj
Panagal Building, Saidapet,
Chennai - 600 095

3.The District Collector
Vellore District
Vellore - 632 009

4.The Block Development Officer
Anaicut Union
Anaicut, Vellore District.

5.The Block Development Officer,
Gudiyatham Panchayat Union,
Gudiyatham, Vellore District.

+2cc to Mr.Tirupathi, Advocate, S.R.No. 7599 & 7598

+1cc to the Government Pleader, S.R.No. 7840

W.P.Nos.2172 & 2177 of 2021

MG (CO)
GN(26/03/2021)



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