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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.10951 of 2008

Tamil Nadu Kattidamaiyam Poriyalarkal Sangam,
Registration No.189/96,
Rep. by its President,
Mr.C.Karthikeyan.

...Petitioner/Petitioner

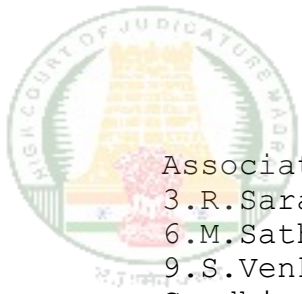
Vs.

1. The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The Director of Rural Development
and Panchayat Raj Department,
Saidapet, Chennai - 600 015.
3. The Tamil Nadu Rural Development
Engineers' Association,
Rep. by its Secretary P.Ravikumar.
4. S.Kalaiselvan
5. I.Asafali
6. S.Arivazhalagan
7. S.Ramasamy
8. T.Alagarsamy
9. L.Pushparaj
- 10.K.Sakthivel
- 11.S.Rajagopal
- 12.S.Krishnamoorthi
- 13.Hamilton A.Karthar
- 14.R.S.Chockalingam

C/o.Kalaiselvan
Respondents 4 to 14 impleaded vide order
dated 26.09.2008 in M.P.No.6 of 2008 in
W.P.No.10951 of 2008 by PRMJ

...Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to absorb members of the petitioner



Association namely, 1.R.J.Saravanan, 2.S.Srinivasan, 3.R.Saravanabaskar, 4.S.Rajendran, 5.C.Karthikeyan, 6.M.Sathyamurthy, 7.V.Vadamalai Kumar, 8.M.Senthilkumar, 9.S.Venkatesan, 10.G.Raja, 11.G.Sankarasubramaniam, 12.A.Arunaw Gandhi and 13.G.Thirumeninathan into the regular service of the Department of Rural Development and Panchayat Raj as per the recommendations made by the second respondent in his letter RC.No.31410/2004/IAY-2, dated 27.01.2005 addressed to the first respondent and regularize their service from the date of initial appointment and grant all consequential service monetary benefits and grant such other benefits.

For Petitioner : Mr.V.Jayaprakash Narayanan
For Respondent
Nos. 1 & 2 : Mr.C.Selvaraj
Government Advocate
For Respondent
Nos.4 to 14 : Mr.L.Chandrakumar

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the respondents to absorb members of the petitioner Association namely, 1.R.J.Saravanan, 2.S.Srinivasan, 3.R.Saravanabaskar, 4.S.Rajendran, 5.C.Karthikeyan, 6.M.Sathyamurthy, 7.V.Vadamalai Kumar, 8.M.Senthilkumar, 9.S.Venkatesan, 10.G.Raja, 11.G.Sankarasubramaniam, 12.A.Arunaw Gandhi and 13.G.Thirumeninathan, into the regular service of the Department of Rural Development and Panchayat Raj as per the recommendations made by the second respondent in his letter RC.No.31410/2004/IAY-2, dated 27.01.2005 addressed to the first respondent and regularize their service from the date of initial appointment and grant all consequential service monetary benefits and grant such other benefits.

2. The Government in G.O.Rt.No.475, dated 05.11.1990 established the District Building Centre (Kattidamaiyam) in each district through Housing and Urban Development Department for the purpose of doing constructions of buildings in each district. The District Collector was appointed as Chairman and Project Officer and DRDA as Member Secretary. The Goverinng Body constituted of various government officials and building works were awarded to the District Building Centre on par with P.W.D., Highways, TWAD Board, Agricultural Engineering Department, Panchayat Union and Municipalities, etc. The members of the petitioner Association are sponsored to the regularly sanctioned post through Employment Exchange and they were appointed following the method of regular recruitment. However, they were continued in the District Building Centres separately. The



Engineers working in Highways Department and TWAD Board and Kattidamaiyam were dealing with similar nature of work and therefore, the Government has taken a decision to transfer administrative control of District Building Centre from the Housing and Urban Development Department to the Rural Development Department vide G.O.Ms.No.206, Housing and Urban Development Department, dated 13.08.2002. Since they were functioning on par with the Engineers working in the Government, they sought for a direction to regularise their service in the Rural Development and Panchayat Raj Department as recommended by the Director of Rural Development and Panchayat Raj Department. The Government favourably considered their request to absorb them as Assistant Engineers in Rural Development Engineering Department and issued a Government Order vide G.O.Ms.No.139, Rural Development and Panchayat Raj (E3) Department, dated 28.09.2013 as per which, in relaxation of Rules, 10 members of the petitioner Association enlisted in the Annexure of the Government Order were to be absorbed as Assistant Engineers in Rural Development Engineering Department. This was followed by another Government Order vide G.O.Ms.No.132, Rural Development and Panchayat Raj (E3) Department, dated 26.09.2014, wherein, all the Engineers of the District Building Centre were appointed as Assistant Engineers and a direction was given to the second respondent to issue necessary posting orders.

3. It is made clear by both the Government Orders that the seniority of these absorbed individuals of the petitioner Association would be fixed below the direct recruitments/promotees who will be appointed in the vacancies so far notified/ approved. The absorption shall be treated only as initial appointment in the entry level (i.e. Assistant Engineer) and no pay protection will be given. The said Government Orders were not challenged and became final. In such circumstances, the petitioner's prayer to regularise the services of its members in the Rural Development and Panchayat Raj Department has been satisfied.

4. It is required to be noted that impleading respondent Nos.4 to 14 have already been appointed as Overseers and were waiting for the Government Orders to be promoted as Assistant Executive Engineers. But it was stalled because of the interim order granted by this Court. They apprehended that this newly promoted Assistant Engineers from the District Building Centre may take a march over them in view of existing 2:1 ratio between two categories. However, the Government Orders make it very clear that all the absorbed Assistant Engineers shall be treated only as initial appointees at entry level and they will take seniority below the direct recruitment / promotees, who will be appointed in the vacancies so far notified/approved and there was no threat of these absorbed Assistant Engineers



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stealing a march over them. In other words, by regularisation, the members of the petitioner Association will come into the main stream as Government Employees. They will progress in their career from the cadre of Assistant Engineer taking bottom seniority.

5. Therefore, I do not find any threat to respondent Nos. 4 to 14. It is only an apprehension and they have impleaded themselves without challenging the Government Order which in no way affects their career prospects. Therefore, the Writ Petition stands disposed of in view of the Government Orders in G.O.Ms.No.139, Rural Development and Panchayat Raj (E3) Department, dated 28.09.2013 and G.O.Ms.No.132, Rural Development and Panchayat Raj (E3) Department, dated 26.09.2014.

6. It is made clear that the service of the members of the petitioner Association will be counted with effect from their initial appointment for the purpose of other attendant benefits like, payment of pension. If the petitioner Association is still aggrieved, liberty is hereby granted to them to approach the Government for redressal of their further grievance. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu, Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai - 600 009.

2. The Director of Rural Development
and Panchayat Raj Department,
Saidapet, Chennai - 600 015.

+1cc to M/s. Government Pleader, S.R.No.31725

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.31147

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.31066

W.P.No.10951 of 2008

BS(CO)

RGA(31/08/2021)