

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.9152 of 2021

1. K.Palanivel

2 G.Balakrishnan

3 S.Shankar

4 G.Murugan

5 R.Anbazhagan

... Petitioners

Versus

1.The District Collector
Thiruvannamalai District,
Thiruvannamalai

2.The Revenue Divisional officer
Thiruvannamalai Division
Thiruvannamalai

3.The Revenue Divisional officer
Arani Division Thiruvannamalai

4.The Tahsildar
Chengam Taluk, Thiruvannamalai District

5.The Tahsildar
Thiruvannamalai Taluk
Thiruvannamalai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the petitioners' representation dated 14.02.2021.

For Petitioner : Ms.C.Umashankar

For Respondent : Mr.P.V.Selvakumar, Addl.Govt.Pleader

O R D E R

The petitioners have applied to the post of Village Assistant and were called for interview on 12.004.2017 in the light of G.O.Ms.No.155, Revenue Department dated 26.03.2010. 50% of the post is earmarked for compassionate ground appointment. It is also observed that the Tahsildar of the Taluk concern is empowered to appoint village Assistants in accordance with rules. But, however in the year 2010 they were appointed on daily wage basis under the land losers category wherein they have completed three years of service. Thereafter, the petitioners were disengaged. Against which W.P.No.13936 of 2012 was filed, wherein, this Court by its order dated 05.06.2012, directed the respondents to consider the representation of the petitioners taking into account the recommendation made by the Special Revenue District Officer National Highways, Villupuram dated 17.05.2012. Thereafter, for the same work the workers are selected on daily wage basis and it appears that the petitioners were also selected and relieved on 28.02.2013. Again, they made a representation for appointment. The 1st respondent has forwarded the communication to the National Highways Department and directed the Special Tahsildar to consider the case of the petitioners for appointment. The Special Tahsildar Land Acquisition Thiruvannaalai, in his letter No.A.108/2015 dated 31.05.2016 recommended the case of the petitioners that they can be appointed in Revenue or other departments considering their continuous service between 2010 and 2013. Thereafter, the District Collector Thiruvannamalai, directed the Deputy Director Land Records to consider the representation of the petitioners. In the meanwhile, the Tahsildar, Chengam and Keizhpennathur has also called the petitioners for interview. Thereafter, the Secretary Revenue Department directed the District Collectors to fill up all the vacant posts of Village Assistants and report before him. For this also, the petitioners made a representation but the same is pending without consideration. Aggrieved over the same, the petitioners are before this Court.

2. From the materials produced before this Court, it is seen that the petitioners were engaged from 2010 to 2013 continuously and their appointment is directed to be considered by the various authorities from 2016, yet they have not been considered.

3. Mr.P.V.Selva Kumar, learned Additional Government Pleader would submit that by this time the petitioners would have crossed the upper age limit and they cannot be engaged in any

post. Be that as it may, when the petitioners are making representation the respondents are bound to reply the same particularly, when a direction is given by this Court to consider their representation positively and when recommendations are made by the concerned authorities to consider the same. In this case, the representations has been kept in cold storage without considering the same.

4. Considering the facts and circumstances of the case, without expressing any opinion on merits, a direction is given to the respondents to consider the representation and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of the order copy.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Thiruvannamalai District, Thiruvannamalai.
- 2.The Revenue Divisional officer,
Thiruvannamalai Division, Thiruvannamalai.
- 3.The Revenue Divisional officer,
Arani Division Thiruvannamalai.
- 4.The Tahsildar,
Chengam Taluk, Thiruvannamalai District.
- 5.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

+1cc to the Government Pleader Sr.25980
+2cc to Mr.C.Umasankar, Advocate Sr.25949, 25758

W.P.No.9152 of 2021

rsi[co]
srg 12/07/2021