



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5973 of 2021

and

W.M.P (MD) Nos.4682 and 4681 of 2021

1.C.Hemamalini

Water Shed Development Team Member (Engineer),
District Water Shed Development Agency,
O/o. the DWDA Ramanathapuram District Development Agency,
Ramanathapuram District.

2.K.Mayilvaganan,

Water Shed Development Team Member (Sociologist),
District Water Shed Development Agency,
O/o. the DWDA Ramanathapuram District Development Agency,
Ramanathapuram District.

3.S.Prabakar,

Water Shed Development Team Member (Engineer),
District Water Shed Development Agency,
O/o. The DWDA Ramanathapuram District Development Agency,
Ramanathapuram District.

4.D.Manoharan,

Water Shed Development Team Member (Sociologist),
District Water Shed Development Agency,
O/o. the DWDA Ramanathapuram District Development Agency,
Ramanathapuram District.

...Petitioners

Vs.

1.The State of Tamil Nadu,

Rep by its Principal Secretary to Government,
Agriculture Department,
Secretariat, Chennai-9.

2.The Chief Executive Officer,

State Level Nodal Agency,
TANCOF building No.55,
Thiru Vi. Ka Industries Estate,
Ekkattuthangal, Chennai-600 032.

3.The Project Director/Joint Director of Agriculture,

District Water Shed Development Agency,
O/o.the Joint Director of Agriculture,

Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices>



... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent vide letter No.1121/SLNA/2020 dated 12.08.2020 and the consequential impugned order passed by the third respondent vide his proceedings Na.Ka.No.880/RDWDA/2010 dated 31.08.2020 and quash the same as illegal in so far as it relates to termination the services of the petitioners from the post of Water Shed Management Team Member, Engineer and Sociologist of the Ramanathapuram District is concerned and consequentially to direct the respondents to retain the petitioner till the end of consolidated phase of the Integrated watershed Management Programme-XI and to regularize the services of the petitioner from the date of their initial appointment taking into consideration of their length of service.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Through the impugned order dated 12.08.2020, a decision was taken to disband the services of WDT members under the Tamil Nadu Watershed Development Agency, pursuant to which consequential orders were passed in the case of the petitioners herein.

3.Challenging the aforesaid impugned order dated 12.08.2021 issued by the State Level Nodal Agency of the Tamil Nadu Watershed Development Agency, a batch of writ petitions were filed before this Court in W.P(MD) Nos.11052 of 2020 etc., in the case of ***P.Thangapandi and others Vs. The Principal Secretary/ the Agriculture Production Commissioner & others*** and this Court had dismissed the writ petitions with an observation to the respondents to consider the petitioners therein on priority basis in employment or any future projects and for age relaxation in the case of direct recruitment for watershed projects. The relevant portion read thus:-

16.Considering the fact that the petitioners are working for more than 10-15 years in the same project and considering the age of the petitioners and that the respondents being a welfare state, though it is not a matter of right for the petitioners to claim any legal



right over the employment, it is also the duty of the State Government to protect the interest of the petitioners to the extent of their survival, as the State has utilised their services extensively, they cannot go and seek for any new employment, thus, this Court is of the opinion that the respondents can utilise the services of the petitioners in the forthcoming new projects, as stated in the affidavit filed by the second respondent. The petitioners have already got rich experience in the said watershed project. No doubt, such rich experience will be useful for the respondents, in case of utilising their services in the forthcoming new watershed projects which will be beneficial not only for the respondents, but also the agriculturists.

17. Though this Court is not inclined to allow these writ petitions, as there is no merit, this Court is inclined to direct the respondents (a).to consider the petitioners, who are all already worked in the watershed projects, and give priority in employment to them, in the forthcoming new projects of the respondents; and (b).to consider the age relaxation, in the case of direct recruitment for watershed projects, to the petitioners, so as to enable them to participate in the process of direct recruitment.

4. The petitioner herein, who are similarly placed as that of the petitioner in the aforesaid batch of writ petition, have challenged the same impugned order, apparently for the purpose of obtaining an observation with regard to the consideration on priority basis in employment in the future projects and age relaxation in direct recruitment. Since such an observation has been made for similarly placed, as that of the petitioners herein, it would be appropriate to make such observations in the present case also.

5. At this juncture, it would be appropriate to point out that such a policy decision to disband WDT members has been taken in 24 Districts and the petitioners herein are some of that. The observations made in the aforesaid batch of case in **P.Thangapandi and others Vs. The Principal Secretary/ the Agriculture Production Commissioner & others (supra)** was not mandatory.

6. Accordingly, the prayer in the present writ petition stands rejected with an observation that the respondents herein shall endeavour to consider all WDT members under the Tamil Nadu Watershed Development Agency, whose services have been disbanded pursuant to the policy decision taken through the impugned order dated 12.08.2020 and further consider their cases for age relaxation while



direct recruitment for watershed projects are called for. It is made clear that the similarly placed WDT Members need not approach this Court seeking for observations as passed in W.P(MD) Nos.11052 of 2020 etc., in future.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

CP

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Agriculture Department,
Secretariat, Chennai-9.
2. The Chief Executive Officer,
State Level Nodal Agency,
TANCOF building No.55,
Thiru Vi. Ka Industries Estate,
Ekkattuthangal, Chennai-600 032.
3. The Project Director/Joint Director of Agriculture,
District Water Shed Development Agency,
O/o.the Joint Director of Agriculture,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-12256[F] dated 18/03/2021)

+4 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12291[F] dated 18/03/2021)

W.P. (MD) No.5973 of 2021
17.03.2021

GS (28.04.2021) 4P 9C