



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.7872 of 2021

and

WMP(MD)Nos. 6004 and 6005 of 2021

Sivaprabhu

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

2.The District Revenue Officer/ General Manager
(Administration),
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kuruvikkaran Salai,
Madurai.

... Respondents

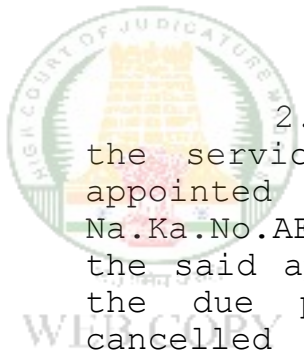
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent vide Na.Ka.No.AE2/22243/2020, dated 15.02.2021 and quash the same and consequently, directing the respondents to engage the petitioner continuously as Seasonal Helper in pursuance of the appointment order dated 30.01.2019.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.H.Arumugam

O R D E R

The writ petitioner, who is a graduate appointed as Helper in the respondent Civil Supplies Corporation, Karumathoor Direct Recruitment Centre, has filed the writ petition, as against the order passed by the third respondent, cancelling his appointment.



2.The third respondent vide the impugned order terminated the service of the petitioner stating that the petitioner was appointed as Helper, vide proceedings of the Regional Manager in Na.Ka.No.AE2/22243/2020, dated 15.02.2021. Since it was found that the said appointment was made without following the guidelines and the due procedure for such appointment, the appointment was cancelled by the respondents and they have proposed to conduct selection process and make appointments afresh in accordance with the guidelines issued in this regard.

3.Mr.Shanmugaraja Sethupathi, learned Counsel appearing for the petitioner submits that the petitioner, who has been working as Helper for nearly four seasons, is terminated from service, without even conducting any enquiry or providing an opportunity of hearing to the petitioner. By the impugned order a stigma has been cast upon the petitioner. He further submits that if there is any illegality or irregularity in the appointment or selection process, the petitioner cannot be found fault with the same. In the absence of any materials as against the petitioner, the order of termination of the petitioner from service, casting stigma upon the petitioner, would affect his opportunity of getting any other employment.

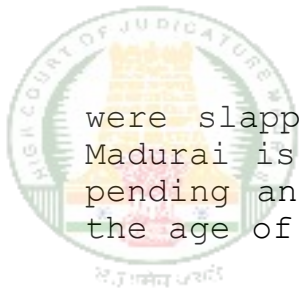
4.The learned Counsel further submits that the petitioner is a graduate and he was appointed through the selection process, he was also provided with training for a period of 12 days, i.e., three days in a season, he also worked for four seasons. He is also well equipped and having more experience. Therefore, he pray that the impugned order of termination be quashed.

5.Mr.H.Arumugam, learned Standing Counsel appearing for the respondent Civil Supplies Corporation submits that a notification for recruitment of seasonal employees for the year 2018-2019 was issued in accordance with the guidelines prescribed in Chapter VII of the Manual on Paddy Procurement, wherein the following conditions were imposed:

"16.3.The candidates nominated by Employment Exchanges should be subjected to screening, oral and written tests before final selection.

16.4.For the post of Bill Clerks, preference should be given to graduates in Science or Agriculture."

6.The learned Standing Counsel further submits that though the selection process consists of written and oral tests, on verification it was found that the selection committee without conducting any written and oral tests, straightaway made appointments during the year 2018-2019. Therefore, departmental proceedings were initiated as against the erring officials and in conclusion of the enquiry three members of the selection committee



were slapped with punishment and insofar as the Regional Manager, Madurai is concerned, the enquiry contemplated by the Government is pending and therefore, he was not permitted to retire on attaining the age of superannuation.

7. According to the learned standing counsel, the very selection and appointment of the petitioner is irregular. Therefore, the respondent corporation cancelled the selection and appointment of the petitioner and he has been relieved from the services.

8. The learned Standing Counsel, however, fairly submits that no doubt there is no fault on the part of the petitioner, but the fault is on the part of the Selection Committee of the particular selection. Further there is no stigma cast upon the petitioner as alleged by them and there is no impediment for the petitioner to participate in the ongoing recruitment process.

9. At this juncture, the learned Counsel for the petitioner submits that the last date for submitting the application is 24.12.2021 and in view of the pendency of the writ petition, the petitioner has not submitted any application. The learned Counsel further submits that there is age limit for applying to the said posts. Since the petitioner is having sufficient experience as Helper and he has been provided with training, his case may also be considered in the ongoing selection process.

10. This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

11. The petitioner was recruited as Helper for the purpose of paddy procurement by the Civil Supplies Corporation. For the selection process the candidate must be nominated through employment exchange and to be subjected to screening, oral and written tests before the final selection.

12. According to the respondent Corporation, the selection committee of the year 2018-2019 without following the guidelines issued in the Manual on Paddy Procurement, have made appointments. Therefore, disciplinary proceedings were initiated against three persons of the selection committee and they were imposed with punishment and as against others enquiry is pending. Since it is a recruitment for a particular season, they have been discharged from services by the orders impugned in the writ petitions. However, the petitioner has been provided with training for few days during their employment. The petitioner worked in four seasons. Since the learned standing Counsel for the Corporation submits that there is no impediment for the petitioner to take part in the ongoing recruitment process, the writ petition is disposed of with the following directions:



i.Since it is submitted that the petitioner has not made any application in view of the pendency of the writ petition, the respondents shall permit the petitioner to take part in the ongoing recruitment process by accepting the application to be submitted by them on or before 28.12.2021 and the petitioner shall submit their application as above;

ii.The petitioner shall be considered independently without being influenced with regard to the selection process of the year 2018 - 2019;

13.Further, a Division Bench of this Court has dealt with a issue relating to the paddy procurement centres in a Public Interest Litigation in W.P(MD)No.14481 of 2020 (decided on 17.08.2021), [myself Justice B.Pugalendhi was a party], wherein, it was observed as follows:

"The petitioner alleged that the officials are procuring the paddy from private traders. Rs.30/- to Rs.40 per bag is demanded as bribe for procuring the produces from the farmers and several malpractices are exposed in the visual media."

14.The Chairman cum Managing Director, Tamil Nadu Civil Supplies Corporation Limited, Chennai has filed a counter affidavit in that writ petition, wherein *inter alia*, it was stated as follows:

"... .. The chitta and adangal records are insisted upon only to prevent the traders or touts involving in selling the paddy. It is further contended that six special teams have been formed and they conduct regular and surprise checks in the Direct Purchase Centres. During the last season ended on 30.09.2020, 1725 inspections have been conducted and action have been initiated against 105 officials."

15.This Court taking overall circumstances therein, have issued certain directions such as,

Regular and surprise inspections have to be conducted in the procurement centres; departmental and criminal action shall be initiated against the erring officials;

Details of the authority to whom any complaint in a particular procurement centre to be made, should be exhibited in a prominent manner, at every procurement centres and immediate action should be taken on the complaint received from the farmers:



The involvement of the local traders or merchants in any manner should be prevented;

16. In the light of above, the respondent Corporation must ensure that paddy is procured only from the farmers by verifying chitta and adangal as well as getting reports from the concerned Village Administrative Officers and the respondents must ensure that there is no involvement of traders or touts in the paddy procurement centre. The farmers should not be harassed at any point by demanding bribe for procurement of their produce.

17. However, if the above directions are not followed or being violated, it is open to anyone, to approach this Court by filing contempt petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

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.

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.
2. The District Revenue Officer/ General Manager
(Administration),
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road, Kilpauk,
Chennai - 600 010.
3. The Deputy Collector/Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kuruvikkaran Salai,
Madurai.



+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-40393[F] dated 23/12/2021)

+1 CC to M/s.G.MOHANKUMAR, Advocate (SR-40397[F] dated 23/12/2021)

WEB COPY

W.P (MD) No. 7872 of 2021
22.12.2021

RK(01/02/2022) 6P 6C