



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)Nos.21167, 21176, 21179, 21177,, 21178, 21184, 21185, 21186, 22834, 22835 and 22836 of 2021

and

WMP(MD)Nos.11745, 17746, 17747, 17749, 17752, 17756, 17753, 17759, 17760, 17750, 17754, 17758, 17751, 17755, 17757, 17762, 17765, 17766, 17761, 17763, 17764, 17767, 17768, 17769, 19311, 19312, 19314, 19318, 19319, 19322, 19324, 19326 and 19313 of 2021

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M.Lakshmanan ... Petitioner in W.P(MD)No.21167 of 2021

Sivaganesh N ... Petitioner in WP(MD). 21176/ 2021

Chinnu.V ... Petitioner in WP(MD). 21177/ 2021

Nagarajan M ... Petitioner in WP(MD). 21178/ 2021

Sreedharan P ... Petitioner in WP(MD). 21179/ 2021

Suresh P ... Petitioner in WP(MD). 21184/ 2021

Naveen.P ... Petitioner in WP(MD). 21185/ 2021

Uthaya Suriyan.A ... Petitioner in WP(MD). 21186/ 2021

Sathyaraj M ... Petitioner in WP(MD). 22834/ 2021

1.Sivaganesh N

2. Chinnu.V

3. Nagarajan.M

4. Uthaya Suriyan.A

5. Sreedharan

6. Suresh.P

7. Sathyaraj.M

8. Naveen.P ... Petitioners in WP(MD). 22835/ 2021

Lakshmanan. M ... Petitioner in WP(MD). 22836/ 2021



Vs

1.The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
12, Thambusamy Road, Kilpauk,
Chennai - 10.

2.The General Manger (Administration),
The Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road, Kilpauk,
Chennai - 10.

3.The Regional Manager,
The Tamil Nadu Civil Supplies Corporation,
Madurai Region, 10, Kuruvikkaran Salai,
Annanagar, Madurai - 20.

... Respondents in all W.Ps

Common Prayer in WP(MD). 21167,21176 to 21179, 21184 to 21186, 22834 to 22836 of 2021:

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court S - 15. To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the 3rd respondent in Se.Mu.Order No.E2/7529/2018(5), No.E2/7529/2018(19), No.E2/7529/2018(1),No.E2/7529/2018(16), No.E2/7529/2018(9), No.E2/7529/2018(14) No.E2/7529/2018(15), No.E2/7529/2018(13), No.E2/7529/2018(18) dated 23.09.2021 following the impugned order passed by the 2nd respondent in Na.Ka.No.AE2/22243/2020 dated 15.02.2021, and quash the same and consequently direct the respondents to engage the petitioner as seasonal bill clerk with the Petitioners original seniority in pursuance of the appointment order dated 28.01.2019 issued by the 3rd respondent herein and pass any such other further orders as this Honble Court may deems fit and proper to the facts and circumstances of the case and thus render justice.

Prayer in WP(MD). 22835 and 22836 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-4. to issue WRIT OF CERTIORARIFIED MANDAMUS, or any other appropriate WRIT, by or order or direction, calling for the records pertaining to the impugned notification in Na.Ka.No.E2/7418/2021 dated 08.12.2021 issued by the 3rd respondent published in the dinakaran tamil daily news paper on 09.12.2021, and quash the same and consequently direct the respondents to engage the petitioners as seasonal bill clerk with their original seniority in pursuance of the appointment dated 28.01.2019 issued by the 3rd respondent herein.

In all W.Ps

For Petitioner : Mr.Meenakshi Sundaram.V

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.H.Arumugam



COMMON ORDER

These writ petitioners, who are graduates appointed as Season Employees such as Bill Clerks, Helpers and Watchman in the respondent Civil Supplies Corporation's paddy procurement centres, have filed these writ petitions as against the order passed by the second respondent, terminating their services.

2.The second respondent vide the impugned orders terminated the services of the petitioners stating that the petitioners were appointed as Seasonal Employees vide proceedings of the Regional Manager in No.E2/7529/2018, dated 28.01.2019 and 30.01.2019. Since it was found that the said appointments were made without following the guidelines and the due procedure for such appointments, those appointments were 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.Meenakshi Sundaram and Mr.Shanmugaraja Sethupathi, learned Counsel appearing for the petitioners submit these petitioners, who have been working as Bill Clerks, Helpers and Watchman for nearly four seasons, are terminated from service, without even conducting any enquiry or providing an opportunity of hearing to the petitioners. By the impugned order a stigma has been cast upon the petitioners. They further submit that if there is any illegality or irregularity in the appointments or selection process, the petitioners cannot be found fault with the same. In the absence of any materials as against the petitioners, these orders of termination of the petitioners from service, casting stigma upon the petitioners, would affect their opportunity of getting any other employment.

4.The learned Counsel further submit that these petitioners are graduates and they were appointed through the selection process, they were also provided training for a period of 12 days, i.e., three days in a season, they have also worked for four seasons. They are also well equipped and having more experience. Therefore, they pray that the impugned orders 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 petitioners are irregular. Therefore, the respondent corporation cancelled the selection and appointment of the petitioners and they have been relieved from the services.

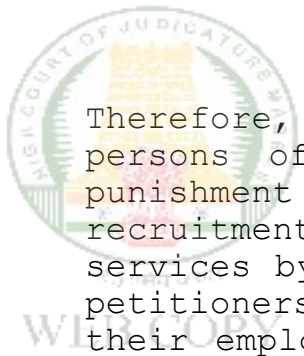
8. The learned Standing Counsel, however, fairly submits that no doubt there is no fault on the part of the petitioners, but the fault is on the part of the Selection Committee of the particular selection. Further there is no stigma cast upon the petitioners as alleged by them and there is no impediment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

9. At this juncture, the learned Counsel for the petitioners submit that the last date for submitting the application is 24.12.2021 and in view of the pendency of the writ petitions, the petitioners have not submitted any application. Mr. Meenakshi Sundaram, learned Counsel submits that there is age limit for applying to the said posts. However, the petitioners in W.P(MD) No.21167 and 22836 of 2021 have crossed the said age limit. Since they have sufficient experience as seasonal employees and they have been provided with training, their cases may also be considered in the ongoing selection process by relaxing the age limit.

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

11. These petitioners were recruited as Seasonal Employees, such as Bill Clerks, Helpers and Watchman for the purpose of paddy procurement by the Civil Supplies Corporation. For the selection process the candidates 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 petitioners have been provided with training for few days during their employment. The petitioners have worked in four seasons. The learned standing Counsel for the Corporation submits that there is no impediment for the petitioners to take part in the ongoing recruitment process. Therefore, these writ petitions are disposed of with the following directions:

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

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

iii.As it is submitted that the petitioners in W.P (MD)Nos.21167 and 22836 of 2021 have crossed the prescribed age limit, their cases may also be considered by relaxing the age limit, since they have experience of working in four seasons and had undergone training for some days;

13.It would be relevant to refer to a decision of a Division Bench of this Court in a Public Interest Litigation with regard to the demand of bribe in paddy procurement centres in W.P(MD)No.14481 of 2020 (decided on 17.08.2021), [myself Justice B.Pugalendhi was a party], in order to remind the respondents that they must ensure the paddy procurement shall be carried out in a fair manner and they shall take necessary steps to ensure that the seasonal employees discharge their duties diligently. The relevant portions of the above said decision are extracted hereunder:

"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.

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The Chairman cum Managing Director, Tamil Nadu Civil Supplies Corporation Limited, Chennai has filed a counter affidavit inter alia stating that 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.

... ..
... ..
... ..

Therefore, the writ petition is disposed of with the following directions:

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."

14.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. No costs. Consequently, connected miscellaneous petitions are closed.

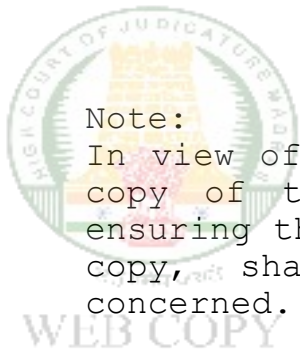
Sd/-

Assistant Registrar (CS-I)

// 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.

To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road, Kilpauk,
Chennai - 10.
- 2.The General Manger (Administration),
The Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road, Kilpauk,
Chennai - 10.
- 3.The Regional Manager,
The Tamil Nadu Civil Supplies Corporation,
Madurai Region, 10, Kuruvikkaran Salai,
Annanagar, Madurai - 20.

+10 CC to M/s.D.NALLATHAMBI, Advocate (SR-40141,40142,40143,40144
[F] dated 23/12/2021)

+3 CC to M/s.H.ARUMUGAM, Advocate (SR-40199,40200,40201[F] dated
23/12/2021)

**W.P(MD)Nos.21167, 21176, 21179,
21177,, 21178, 21184, 21185,
21186, 22834, 22835 and 22836 of 2021**

22.12.2021

RD(27.12.2021) 7P 17C