



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.7610 & 9018 of 2011

and

M.P.Nos.2 to 4 of 2011 in W.P.No.7610 of 2011

and

M.P.No.1 of 2011 in W.P.No.9018 of 2011

V.Jayaraman

...Petitioner in both WPs

-Vs-

1. The State of Tamil Nadu,
Rep. by its Chief Secretary to Govt.,
Rural Development and Panchayat Department,
Fort St. George, Chennai - 600 009.
2. The Collector,
Vellore District.
3. The Block Development Officer,
Arakkonam Panchayat Union,
Arakkonam, Vellore District.
4. The President,
Annapalayam Village Panchayat,
Arakkonam Taluk, Vellore District.

...Respondents 1 to 4 in both WPs

5.R.Meganathan

...5th Respondent in W.P.No.7610 of 2011

Prayer in W.P.No.7610 of 2011: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in G.O.Ms.No.17, Rural Development and Panchayat (E5) Department dated 10.02.2011 and quash the same and direct the respondents to permit the petitioner to function as Over Head Tank Operator in the 4th respondent Panchayat.



Prayer in W.P.No.7610 of 2011: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st and 2nd respondents to regularize the petitioner's service as an Over Head Tank Operator in the 4th respondent Panchayat in terms of G.O.Ms.No.22, Personnel and Administrative Reform (F) Department dated 28.02.2006 as per the petitioner's representation dated 29.03.2011 and to permit the petitioner to discharge his functions as a Over Head Tank Operator in the 4th respondent Panchayat until the petitioner's service are regularized.

For Petitioners	:	Mr.G.Jeremiah (in both WPs)
For R1 & 2	:	Mr.Veda Bagath Singh, Special Government Pleader (in both WPs)
For R3 & 4	:	Mr.C.Selvaraj, Additional Government Pleader (in both WPs)
For R5	:	No Appearance (in W.P.No.7610 of 2011)

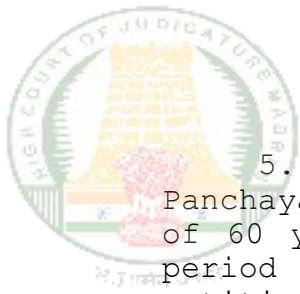
COMMON ORDER

With the consent of both the parties, these writ petitions are taken up for final disposal.

2. In W.P.No.7610 of 2011, the petitioner seeks for a direction to continue functioning as a Over Head Tank Operator in the fourth respondent Panchayat. According to him, the fixation of the upper age limit at 60 years is arbitrary and incorrect. The petitioner has now crossed 60 years and therefore, no effective orders can be passed in the present writ petitions, by interfering with G.O.Ms.No.17, dated 10.02.2011, which fixes the upper age limit at 60 years.

3. In W.P.No.9018 of 2011, the petitioner places reliance on G.O.Ms.No.22, dated 28.02.2006 and seeks for regularization of his services. According to him, the petitioner has completed 10 years of service as on 01.01.2000. Now that the petitioner has crossed the age of superannuation and that he was not regularized when he was in service, the question of regularization, at this stage, will not arise.

4. The learned counsel for the petitioner submitted that the fourth respondent Panchayat had been extracting work from him even after completion of 60 years of age, for which, he was not paid the salaries.



5. If the petitioner had worked under the fourth respondent Panchayat as an Over Head Tank Operator, even after completion of 60 years, then he would be entitled for wages for the said period for which he has worked. In this connection, the petitioner is granted liberty to make a representation seeking for payment of the unpaid wages/salaries for the period he had worked as an Over Head Tank Operator under the fourth respondent Panchayat and on receipt of such a representation, the fourth respondent shall pass appropriate orders in accordance with law, within a period of two (2) weeks from the date of receipt of such a representation.

6. With the above liberty, both the Writ Petitions stand closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary to Govt.,
Rural Development and Panchayat Department,
Fort St. George, Chennai - 600 009.
2. The Collector,
Vellore District.
3. The Block Development Officer,
Arakkonam Panchayat Union,
Arakkonam, Vellore District.
4. The President,
Annapalayam Village Panchayat,
Arakkonam Taluk, Vellore District.

+1cc to Government Pleader SR. No.12803

W.P.Nos.7610 & 9018 of 2011

KG (CO)
PR (08/03/2022)