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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17283 of 2020

and

W.M.P.Nos.21375 and 21921 of 2020

S.Malliga

Sociologist, Watershed Development Team Member,
District Watershed Development Agency,
O/o. the Joint Director of Agriculture,
Collectorate, Integrated Agriculture Building,
Perambalur District - 621 212.

... Petitioner

vs.

1. The Principal Secretary/The Agriculture Production
Commissioner, Secretariat,
Fort St.George,
Chennai - 600 009.

2. The Chief Executive Officer,
State Level Nodal Agency,
TANCOF building No.55,
Thiru Vi.Ka. Industrial Estate,
Ekkattuthangal, Chennai - 600 032.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.1121/SLNA/2020, dated 12.08.2020 on the file of the Respondent No.2 and quash the same as illegal to the extent of terminating the services of the petitioner from the post of Sociologist, Watershed Development Team Member and consequently to direct the respondents to retain the petitioner till the end of consolidation phase of the Integrated Watershed Management Programme-XII in Perambalur District.

For Petitioner : M/s.Selvi Rajesh

For Respondents: Mr.V.Manoharan
Additional Government Pleader



O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.1121/SLNA/2020, dated 12.08.2020 on the file of the Respondent No.2 and quash the same as illegal to the extent of terminating the services of the petitioner from the post of Sociologist, Watershed Development Team Member and consequently to direct the respondents to retain the petitioner till the end of consolidation phase of the Integrated Watershed Management Programme-XII in Perambalur District.

2. In the light of the earlier order passed by this Court in W.P.Nos.16634 and 16929 of 2020 dated 16.02.2022, the learned counsel for the petitioner stated that a similar order would be passed in the instant writ petition also.

3. The learned Additional Government Pleader appearing for the respondents has not controverted the said fact and that a similar order would be passed in the present writ petition.

4. Considering the facts and circumstances of the case, the earlier order passed by this Court in W.P.Nos.16634 and 16929 of 2020 dated 16.02.2022 at Paragraph No.2 reads thus:-

"2. The learned counsel for the petitioners submitted that similarly placed persons have filed writ petitions before the Madurai Bench of this Court in W.P.(MD)Nos.11052 of 2020 etc., batch and vide order dated 17.12.2020, this Court has passed the following order:

"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



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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."

The learned counsel for the petitioner therefore prays that it would be suffice, if similar orders are passed in the present writ petitions also."

5. In the light of the above order, this Court directs the respondents to consider the claim of the petitioner in the light of the orders passed by this Court in W.P.(MD)No.11052 of 2020 dated 17.12.2020, which was followed in W.P.Nos.16634 and 16929 of 2020 dated 16.02.2022 and pass orders on its own merits and in accordance with law.

6. In view of the above direction, the writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Principal Secretary/The Agriculture Production Commissioner, Secretariat, Fort St.George, Chennai - 600 009.



2. The Chief Executive Officer,
State Level Nodal Agency,
TANCOF building No.55,
Thiru Vi.Ka. Industrial Estate,
Ekkattuthangal,
Chennai - 600 032.

+1cc to Mrs.Selvi Rajesh, Advocate, S.R.No.20713
+1cc to the Government Pleader, S.R.No.21060

W.P.No.17283 of 2020

PMK(CO)
CT 11/04/2022