

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.19370 and 19371 of 2014

1.M.Perumal	... Petitioner in W.P.No.19370 of 2014
2.G.Muniappan	... Petitioner in W.P.No.19371 of 2014

Vs.

1.The Assistant Director (Town Panchayat)
Salem Zone, 2nd Floor, Room No.20,
Collectorate,
Salem.

2.The Executive Officer
Edangana Salai Town Panchayat
Salem District, PIN 637 502. ... Respondents in both W.Ps

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order of the 2nd respondent made in Na.Ka.No.163/2014/A1 dated 17.03.2014, to quash the same and consequently direct the respondents to consider the claim of the petitioner for appointment as Water Supply Attendant, and extend all benefits both service and monetary.

For Petitioners : Mr.L.Chandrakumar
(in both W.Ps)

For Respondents : M/s.S.Anitha
Special Government Pleader
(in both W.Ps)

COMMON ORDER

These writ petitions have been filed, questioning the order impugned dated 17.03.2014, rejecting the claim of the writ petitioners to appoint them on consolidated pay in Edangana Salai Town Panchayat, Salem District.

2. The petitioners have stated in their affidavit that they were appointed as Water Supply Attendants in the 2nd respondent / Edangana Salai Town Panchayat on a consolidated pay of Rs.600/-

per month during the year 1998 and they were working continuously. However, except the writ petitioners, other 16 candidates were appointed on consolidated pay and subsequently, their services were regularised. The petitioners alone were denied employment on consolidated pay. In this regard, the petitioners made representation and thereafter, filed writ petition in W.P.Nos.2698 & 2699 of 2014 and this Court passed an order on 31.01.2014, directing the respondents to consider the representation and thereafter, the respondent issued the impugned orders.

3. The learned counsel for the petitioners made a submission that the petitioners are fully qualified for appointment on consolidated pay and when the benefit of regularisation was granted to the other candidates, the petitioners are entitled to be appointed as Water Supply Attendants in the 2nd respondent / Panchayat.

4. The learned Special Government Pleader appearing on behalf of the respondents objected the said contentions by stating that the initial appointment of the writ petitioners was not in accordance with the recruitment rules in force and they were temporarily appointed as Water Supply Attendant for a consolidated pay of Rs.600/- per month and against the sanctioned vacancies, the process of recruitment was conducted and accordingly, eligible persons were appointed.

5. The order impugned states that the Director of Town Panchayat sanctioned 15 posts and accordingly, a decision was taken to appoint 5 persons on consolidated pay. In respect of the sanctioned posts, it was filled up by the authorities competent and there is no vacancy as on today available for the purpose of appointing the writ petitioners. Thus, the request of the writ petitioners for appointment was not considered.

6. All appointments are to be made strictly in accordance with the recruitment rules in force. In respect of the sanctioned post, the process of selection is to be conducted by affording equal opportunity to all the candidates, who all are aspiring to secure employment. Therefore, the respondents are bound to follow the procedures, while undertaking the process of recruitment to any regular post. The writ petitioners were appointed on consolidated pay on temporary basis and therefore, they cannot seek appointment merely on the services rendered by them on temporary basis on consolidated pay. The initial appointment of the writ petitioners was not in accordance with the rules in force and therefore, the claim of the writ petitioners cannot be considered. However, the writ petitioners are at liberty to participate in the process of selection, if any notified by the respondents for regular appointment on the

sanctioned posts.

7. With this liberty, both the Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

Jeni/Kak

To

1.The Assistant Director (Town Panchayat)
Salem Zone, 2nd Floor, Room No.20,
Collectorate,
Salem.

2.The Executive Officer
Edangana Salai Town Panchayat
Salem District, PIN 637 502.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.38171

+1cc to Government Pleader SR.No.38997

W.P.Nos.19370 and 19371 of 2014

KK(CO)
GMY(15/07/2022)