



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS. JUSTICE N.MALA

WRIT APPEAL NO.1160 OF 2020

1.The District Election Officer/Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

2.The District Revenue Officer,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

...Appellants / Respondents 2 & 3

Vs.

1.The Chief Electoral Officer &
Principal Secretary to Government,
Public (Election V) Department,
Secretariat, Fort St. George,
Chennai 600 009.

...1st Respondent / 1st Respondent

2.Karmaveerar Kamarajar Section Writers
Progressive Association,
No.2, Kannadasan Street,
Thanthai Periyar Nagar,
Thirumullaivoyal,
Chennai 600 062,
Rep. by its President, A.Rajaguru

...2nd Respondent / Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 09.11.2020 passed by this Court in
W.P.11784 of 2020.

Prayer in W.P.11784 of 2020 : Writ Petition filed under Article
226 of the Constitution of India, to issue a Writ of Certiorari
Mandamus Calling for the records on the file of the First
Respondent in G.O.Ms.No.239 Public Election(V) Department dated
13.07.2020 and quash the same by extending the said benefit to
the members of the petitioners Association and direct the 1st
respondent to confer the benefits of one year extension from



20.03.2020 granted to the section Writers of Kanchipuram and Thiruvallur by G.O(D) No.239 public elections(V) department dated 13.07.2020 to the members of petitioners Association also.

WEB COPY

For Appellants : Mrs.Karthikaa Ashok

For 1st Respondent : Mr.Abishek Murthy,
Government Advocate

For 2nd Respondent : Mr.G.Sankaran

J U D G M E N T

(Judgment of the Court delivered by S.VAIDYANATHAN, J.)

Challenging the order dated 09.11.2020 passed by the learned Single Judge in W.P.No.11784 of 2020, Respondents 2 and 3 in the said Writ Petition have come up with the present Appeal.

2. Karmaveerar Kamarajar Section Writers Progressive Association has approached this Court in W.P.No.11784 of 2020, questioning the Government Order in G.O.Ms.No.239 Public Election (V) Department, dated 13.07.2020 and to confer benefits of one year extension from 20.03.2020, as has been granted to Section Writers of Kancheepuram and Tiruvallur Districts, by the said Government Order. The said Association had already approached this Court and Section Writers of Kancheepuram and Tiruvallur Districts, have already been granted benefits.

3. A Division Bench of this Court vide judgment dated 03.09.2018 in W.A.No.1907 of 2018, has held that, though employees cannot seek for regularization and absorption, they shall be permitted to continue to work till 31.03.2019. Again, for the subsequent year, a Division Bench of this Court, by judgment dated 09.07.2019 in C.M.P.Nos.13512, 13516 and 13519 of 2019 in W.A.No.1907 of 2018, has passed an order permitting the members of the Writ Petitioner Association, who are working as Section Writers in the District Election Office and in the Office of the Commissioner of Greater Chennai Corporation, Chennai, to continue till 30.03.2020, as extended to those Section Writers working in Tiruvallur and Kancheepuram Districts. Even for the subsequent year 2020-21, G.O.(D) No.239 Public Election (V) Department, dated 13.07.2020 was passed and the same is the subject matter of the present Appeal.

4. Taking note of the fact that, members of the Writ Petitioner Association have been regularly performing duties, learned Single Judge disposed of W.P.No.11784 of 2020, by directing the 1st Respondent therein to pass similar order in the lines of G.O.(D) No.239 Public (Elections V) Department, dated



13.07.2020, by granting extension of time by extending the period of employment till 31.03.2021 on the same terms and conditions as made applicable to similarly placed employees.

5. Before the learned Single Judge, the stand taken by the learned counsel for the Writ Petitioner Association was that, the work of Section Writers in Tiruvallur and Kancheepuram Districts is completely different from that of Chennai. According to the learned counsel, though the nature of work of Section Writers was the same earlier in all the three Districts, after introduction of electronic method of uploading Voter ID and other details, Section Writers are not engaged any further in Chennai District, as there is no need for them to be engaged on regular basis.

6. In reply, Mr.G.Sankaran, learned counsel appearing for the 2nd Respondent/Writ Petitioner drew the attention of this Court to G.O.(D) No.124, Public (Election V) Department, dated 26.04.2019, wherein, it has been stated that, the District Election Officer & Commissioner, Greater Chennai Corporation, Chennai, the District Election Officer & District Collector of Tiruvallur and Kancheepuram Districts have been accorded 90 temporary posts of Section Writers for a period of three months from 01.04.2019 till 30.06.2019 on daily wage basis. It is further stated in the said Government Order that, Section Writers working in Chennai, Kancheepuram and Tiruvallur Districts are well experienced and well acquainted with Parts, Sections of the respective Assembly Constituencies and they are also well acquainted with electors' grievances, such as change of address, Sections, etc and that, the nature of duties discharged by Section Writers, who are members of the Writ Petitioner Association requires their engagement till 2021.

7. Learned counsel appearing for the 2nd Respondent also produced additional documents before this Court viz., G.O.Ms.No.375, Public (Elections-V) Department, dated 13.08.2021, whereby, sanction was accorded for further continuance of 81 temporary posts of Section Writers (Chengalpattu - 26, Kancheepuram - 15 and Tiruvallur - 40) for a further period of one year from 01.04.2021 till 31.03.2022, on daily wage basis. In view of the same, learned counsel contended that, the members of the Writ Petitioner Association are entitled to the relief sought for and they must be permitted to continue in service.

8. Heard the learned counsel on either side and perused the material documents available on record.

9. It is not in dispute that, for more than two terms, i.e. for the years 2020-2021 and 2021-2022, Section Writers were



allowed to continue in service by conferring benefits of extension, however, barring 81 employees employed in Chennai District. We are not inclined to go into the subsequent events that are canvassed by the learned counsel on either side. As the relief sought for by the Writ Petitioner Association in the Writ Petition was for the period 2020-21, and that, the said period is already over, there is no need for further adjudication in this Writ Appeal.

10. However, we make it clear that, as the Government felt that, Section Writers are well-experienced in electoral roll preparation, etc, their services can be utilized for the same, instead of giving work to third parties by means of outsourcing. In case, the entire work is going to be done through electronic mode, then there is no need for Section Writers to continue in service, as the Division Bench of this Court has held that, they are not entitled to permanency and absorption.

11. We are of the view that, as long as the services of Section Writers are required, they can be allowed to continue in service, by relaxing their age and it is for the Government to engage them in different places, based on requirement and this Court is not inclined to pass any specific direction as regards their place of work.

12. In view of the above, no further adjudication is required in this matter. Hence, this Writ Appeal is closed with the above observations. No costs. Consequently, connected C.M.P.No.14326 of 2020 is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

(aeb)

To:

1.The District Election Officer/Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

2.The District Revenue Officer,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.



3.The Chief Electoral Officer &
Principal Secretary to Government,
Public (Election V) Department,
Secretariat, Fort St. George,
Chennai 600 009.

WEB COPY

+1cc to M/s.Karthikaa Ashok, Advocate Sr.No.23696

+1cc to Mr.G.Sankaran, Advocate Sr.No.23733

+1cc to the Government Pleader Sr.No.24557

W.A.No.1160 of 2020

NR(CO)
RVM(04/05/2022)