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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.4424 to 4427 of 2014

And

MP Nos.2, 2, 2 and 2 of 2014

Smt.N.Girija @ Girijamma

...Petitioner in WP 4424/2014

Smt.D.Ragel

...Petitioner in WP 4425/2014

V.Arun Babu

...Petitioner in WP 4426/2014

D.Deva

...Petitioner in WP 4427/2014

vs.

The Commissioner,
Arakkonam Municipality,
Arakkonam and Taluk,
Vellore District - 631 001.

...R-1 in all WPs

M.Saravanan

...R-2 in all WPs

G.Chinnaiya

...R-3 in WPs 4424 & 4426/2014

B.Mohan

...R-3 in WPs 4425 & 4427/2014

N.Srinivasan

...R-4 in WPs 4424 & 4426/2014

R.Israel

...R-4 in WPs 4425 & 4427/2014

N.Sethraiya

...R-5 in WPs 4424 & 4426/2014

E.G.Wilson

...R-5 in WPs 4425 & 4427/2014

M.K.Murali

...R-6 in WPs 4424 & 4426/2014

R.Shanmugam

...R-7 in WPs 4424 & 4426/2014

S.Rajeswari

...R-8 in WPs 4424 & 4426/2014

Dhanamma

...R-9 in WPs 4424 & 4426/2014



Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent herein in proceedings made in Na.Ka.No.1619/13/H1, dated 04.12.2013 and quash the same and consequently direct the first respondent herein to accommodate the petitioners in the existing vacancy of 5 posts by appointing the petitioners in the post of sanitary worker in Arakkonam Municipality, Vellore District.

For Petitioner in all WPs : Mr.G.Saravanan

For Respondent-1 in all WPs : Dr.S.S.Swaminathan

For Respondents-2 to 9 in
WPs 4424 and 4426/2014
and For Respondents-2 to 5
in WPs 4425 and 4427/2014 : Mr.C.Chokkalingam

C O M M O N O R D E R

The selection for appointment to the post of sanitary worker in the respondent-Municipality issued by the first respondent-Commissioner in proceedings dated 04.12.2013 is sought to be quashed.

2. The petitioners submitted that they are fully qualified for appointment to the post of sanitary worker in the first respondent-Municipality. The names of the petitioners were sponsored by the District Employment Exchange and they have participated in the process of selection. The learned counsel for the petitioners mainly contended that the selection was not made in accordance with the employment seniority of the petitioners and the juniors in employment seniority were selected and appointed. Therefore, the petitioners are constrained to move these writ petitions.

3. The learned counsel for the petitioners reiterated that there were 28 vacancies available in the post of sanitary worker in Arakkonam Municipality. Out of which, 23 posts were filled up by the first respondent. Five vacancies were available during the relevant point of time. Thus, the first respondent ought to have appointed the petitioners in the said five vacancies, more specifically, under the priority quota. However, the first respondent had not considered the case of the petitioners. Pertinently the main ground raised by the petitioners is that appointment ought to have been made in accordance with the employment seniority.



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4. The learned counsel for the first respondent-Municipality objected the said contention of the learned counsel for the petitioners by stating that the procedures as contemplated in the rules and guidelines issued by the Government were followed in the matter of selection.

5. It is contended that by virtue of G.O.(4D) No.1, Municipal Administration and Water Supply (ME1) Department, dated 17.01.2013, existing vacancies in various categories including 30 posts of sanitary workers in the first respondent-Municipality were filled up. The Government constituted a Committee consisting of Additional Director of Municipal Administration, Joint Commissioner (Administration) and Joint Director (Administration) under the Chairmanship of the Commissioner of Municipal Administration in order to monitor and guide the urban local bodies in filling up of the existing vacancies.

6. The first respondent-Municipality out of 30 vacancies to the post of sanitary workers, 7 posts were filled up from the list of persons seeking for compassionate appointment. In respect of remaining 23 vacancies, list of persons were sponsored by the District Employment Exchange on seniority basis and interview was conducted. Based on the interview, the Appointment Committee finalised and resolved in its Resolution No.26 on 02.12.2013 the list of appointees and orders of appointment were issued by proceedings in Roc No.1619/2013/H1 dated 04.12.2013. All the 23 appointed candidates joined in service on 09.12.2013 and there was no vacancy thereafter during the relevant point of time.

7. This Court is of the considered opinion that the grievances of the petitioners are that the employment seniority has not been followed. Appointment cannot be made only based on the employment seniority. The eligible candidates were sponsored and the names of the petitioners were also sponsored by the District Employment Exchange concerned. The petitioners have participated in the process of selection. Appointments are to be made only after conducting a selection. The petitioners could not establish any acceptable ground questioning the validity of the selection conducted by the Competent Committee. It is not as if the appointments are to be directly issued merely based on the employment seniority.

8. In these cases, the first respondent-Municipality has stated that out of 30 vacancies, 7 posts were filled by way of compassionate appointment and the remaining 23 posts were filled up by way of selection process by obtaining list of eligible candidates from the District Employment Exchange. The



names of the petitioners were sponsored and they were not successful in the process of selection and the selected candidates were appointed in the year 2013 itself and are working for the past about 9 years.

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9. This being the factum established, this Court is of the considered opinion that the petitioners have not made out any acceptable ground for the purpose of interfering with the process of selection conducted during the year 2013.

10. Accordingly, all the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

To

The Commissioner,
Arakkonam Municipality,
Arakkonam and Taluk,
Vellore District - 631 001.

+4ccs to Dr.S.S.Swaminathan, Advocate, S.R.No.32627, 32631,
32630, 32629

+1cc to Mr.G.Saravanan, Advocate, S.R.No.33521

WPs 4424 to 4427 of 2014

VG-II[co]
NSK/24/06/2022