



W.P(MD)No.10508 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10508 of 2022

and

W.M.P.(MD)No.7633 of 2022

- 1.M.Prabhu Kannan
- 2.K.Sakthivel
- 3.C.Subbiah
- 4.N.Venkateshvaran
- 5.M.Sankar
- 6.M.Sivasakthi
- 7.M.Sournalatha
- 8.T.Jeya Selvan
- 9.Flora Helen Ambiga
- 10.T.Mereena
- 11.S.Santhi
- 12.S.Jegadeeswari
- 13.P.Dhanapal
- 14.M.Senthil Arumugam



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15.P.Sivasankari

16.J.Leenavisu

17.Pavalaraj

18.V.Jeya

19.T.Madhavi

20.J.Jani Patrick Ruban

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai-600 009.
- 2.The Member Secretary / Project Director,
Tamil Nadu Coastal Sustainable Livelihoods Society,
(Rural Development and Panchayat Raj Department)
TNCDW Ltd Building,
100, Anna Salai,
Guindy, Chennai-600 032.
- 3.The District Collector,
Pudukottai, Pudukottai District.
- 4.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 5.The District Collector,
Tirunelveli,
Tirunelveli District.
- 6.The District Collector,
Thoothukudi, Thoothukudi District.



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7. The District Collector,
Thanjavur, Thanjavur District.

8. The District Collector,
Thiruvarur, Thiruvarur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to accommodate the petitioners by absorbing their service in other projects of the Government by considering the petitioner's representations dated 12.05.2022, 14.05.2022, 16.05.2022 and 19.05.2022 respectively within the time that may be stipulated by this Court in light of the order made by this Court in W.P. No. 12887 of 2016 dated 22.04.2022 and consequently forbear the respondents from disengaging the petitioners till final determination on the petitioner's representations.

For Petitioners : Mr.M.Mahaboob Athiff

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioners were originally engaged to implement the project schemes floated by the Department of Rural Development. It is stated that some of them have been working from 2007 onwards.

3. I can take judicial notice of the fact that the Government introduces some relief scheme or the other and it does require manpower to implement the



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same. If the term of the one scheme gets over, the petitioner involved in the implemented scheme would be engaged to implement the other scheme. That is how, the writ petitioners have managed to be engaged for all these years. In the year 2021, when the respondent Society was formed under the aegis of the first respondent department, all the petitioners herein were engaged to implement the Tamil Nadu Coastal Sustainable Livelihood Scheme and placed on the rolls of the second respondent Society. Now, a policy decision has been taken to wind up the second respondent society itself. The petitioners face the prospect of abrupt disengagement. That led to filing of the writ petition.

4. When the matter was taken up for admission, the following interim order was passed.

“6. In view of the aforesaid facts and circumstances of the case, this Court is inclined to pass the following interim order:-

If these petitioners are continuously engaged as on today and they have been in engagement, their services shall not be dispensed with for the present. Post the matter after four weeks for filing counter affidavit and to get instructions on the above line indicated. Till such time, the status quo of non-dispensing with the services of the petitioners shall continue”

The respondents have filed counter-affidavit and also petition for vacating the interim order.



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5. Heard the learned counsel appearing for the petitioners who reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as sought for.

6. Per contra, the learned Special Government Pleader appearing for the respondents would strongly submit that when a policy decision has been taken to wind up the second respondent society, it is not open to this Court to insist that the second respondent should be allowed to exist. It is further stated that the Department would definitely make every endeavour to accommodate the petitioners. But then, the Three Member Committee constituted by the Department intends to analyse the performance of the writ petitioners and based on the appraisal report, they would be engaged in other projects. He called for dismissal of the writ petition.

7. I carefully considered the rival contentions and went through the materials on record.

8. A similar issue was raised before the Principal Seat in W.P.Nos.12887 of 2016 etc., batch. A learned Judge disposed of the said writ petitions on 22.04.2022 in the following terms:-



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“21. The State Government which is now responsible for their engagement ought to consider the pitiable state of employment of these employees, hanging precariously by a thread and initiate all necessary and earnest steps towards addressing their grievance. The Government as a reflection of its commiserate understanding ought to first remove its fixated and unconscionable stand that the petitioners are project employees and therefore their grievance is not even worth consideration. Such pachydermatous stand is opposed to equity , good conscience and justice.

22. The Government cannot shut the doors of hope to the petitioners and still would expect them to work effectively in implementation of the projects, serving public purpose. It is a constitutional imperative and also a moral obligation too on the part of the Government to come up with some kind of a comprehensive scheme to address the claim of these employees for regularisation. The Government may graciously consider, taking into account the long period of employment and requirement of their experienced service for serving the larger interest of public in the State.

23. For all the above stated reasons, the State Government is directed to formulate a comprehensive scheme for providing guarantee of employment to these writ petitioners, either by redeploying them in any suitable post on a preferential basis against regular vacancies that may arise in various Departments of the Government or may sanction regular posts in the sanitation programmes that are being implemented by the State Government for their eventual regularisation.

24. Any such action as indicated above may be taken as expeditiously as possible.

25. In the meanwhile, as far as the present employment of these writ petitioners is concerned, the same may be continued and wherever there is any possibility of extending of their employment, the same may be extended to these petitioners, as far as possible.



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9. The learned counsel appearing for the petitioners would strongly assert that this order has not been challenged so far. An instructing official is present and the learned Special Government Pleader is not able to rebut the aforesaid statement.

10. When similarly placed scheme employees were given the aforesaid treatment in the similar writ petitions, I do not want to take a contra view. In fact, the learned Judge who admitted the writ petitions also granted interim order only by taking note of the aforesaid order dated 22.04.2022. So long as the order dated 22.04.2022 made in W.P.Nos.12887 of 2016 etc., batch is holding good, the writ petitioners also shall be treated on the very same basis.

11. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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WEB COPY

To

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