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W.P.(MD)NO.18337 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18337 of 2019 and
W.M.P.(MD)Nos.14769 to 14771 of 2019

1. N.Mariammal
2. S.Manonmani
3. R.Chandra Uthayam
4. R.Manjula
5. V.Valarmathi
6. A.Kumarasamy
7. R.Rakku
8. S.Valarmathi
- 9.S.Ramani
- 10.S.Raja
- 11.I.Tamil Selvi
- 12.B.Krishnaveni
- 13.S.Kunthagi
- 14.S.Valli

... Petitioners

Vs.



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1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Municipal Administration and
Water Supply (ME1), Fort St. George, Chennai.
2. The Department of Rural Development,
Rep. by its Secretary, Fort St. George, Chennai.
3. The Commissioner of Municipal Administration,
Ezhilagam Annexe, Chepauk,
Chennai – 600 005.
4. Tamil Nadu Women Development Corporation,
The Managing Director,
Mother Theresa Women Complex,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai – 34.
5. The Executive Director,
Tamil Nadu Women Development Corporation,
Mother Theresa Women Complex,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai – 34. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in letter No.7749/ME.1/2019-1 dated 19.7.2019 and the consequential impugned order in letter No.7749/ME.1/2019-2 dated 20.7.2019 on the file of the respondent No.1 and quash the same as illegal and consequently directing the respondents 4 and 5 to relieve the petitioners who have been absorbed on deputation working under the Tamil Nadu Women Development Corporation and revert them back to their parent Corporations and Municipalities within the time period stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy

For Respondents: Mr.J.K.Jayaseelan,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioners were originally appointed as community organizers under the Department of Municipal Administration. Their services were subsequently regularised in the year 2006 vide G.O.(Ms).No.128 Municipal Administration and Water Supply (ME.1) Department dated 30.10.2006. The petitioners were deputed to work on foreign service in Tamil Nadu Corporation for Development of Women for a period of three years. This proceeding was issued on 24.05.2016. The said period expired in the year 2019. Thereafter, the deputation period was extended by one more year by the impugned proceedings. The extension order is put to challenge in this writ petition.



3. The respondents have filed counter affidavit that they want to extend the deputation period by one more year.

Even the said period also expired during the pendency of this writ petition. We are now in November 2022. The deputation period has crossed 6½ years. As rightly pointed out by the learned counsel appearing for the writ petitioner, this is in clear contravention of Fundamental Rule 110(4). Fundamental Rule 110(4) reads as follows:-

“ (4)(i) The initial deputation of a Government servant shall be sanctioned for a block period of three years at a stretch. The period of the said deputation shall lapse on the expiry of the said period of three years or on the date of his retirement from service on superannuation or on the date when he is transferred from the services of the foreign employer by the competent authority, whichever is earlier.

(4) (ii) No extension of deputation of any Government servant shall be sanctioned for the fourth year. However, the Government may, in exceptional and special circumstances in public



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interest, sanction the extension of deputation for the fourth year in respect of any Government servant.

(4) (iii) In case the Government require the services of Government servants in the middle of three years period for administrative reason the competent authority may revert them to their parent department.

[G.O. Ms. No. 309, P & AR (FR.IV) Department, dated 5-10-1995. Amendment No. 14/95. - With effect from 25th April 1988.] "

4. It is obvious that further extension of the deputation period cannot be contemplated. In as much as the deputation period had already crossed the permissible period, the first respondent is directed to issue proceedings forthwith and without any delay repatriating the petitioners to the parent departments. Such an order will be issued at any rate within a period of three weeks from the date of receipt of a copy of this order.

5. It appears that some of the writ petitioners had



already retired. Notional order will be passed in their cases so that the pension and other benefits can be disbursed from the parents departments. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.11.2022

Index : Yes / No
Internet : Yes/ No
PMU

Note : Issue order copy on 10.11.2022.

To:

1. The Principal Secretary,
Department of Municipal Administration and
Water Supply (ME1), Fort St. George, Chennai.
2. The Secretary,
The Department of Rural Development,
Fort St. George, Chennai.
3. The Commissioner of Municipal Administration,
Ezhilagam Annexe, Chepauk, Chennai – 600 005.
4. The Managing Director,
Tamil Nadu Women Development Corporation,
Mother Theresa Women Complex,
1st Floor, Valluvar Kottam High Road,
Nungambakkam, Chennai – 34.
5. The Executive Director,
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Nungambakkam, Chennai – 34.

G.R.SWAMINATHAN,J.

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