



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

**W.P. (MD)Nos.17967 and 17968 of 2018**

and

**W.M.P. (MD)Nos.15847 and 15848 of 2018**

**and 26 of 2020**

WEB COPY

**W.P. (MD)No.17967 of 2018:**

S.Sundarsingh

... Petitioner

vs.

1.The Director,  
Refugees Rehabilitation and Welfare  
Commissionerate for Tamilians residing  
Outside Tamil Nadu,  
Chepauk, Chennai 625 005.

2.The District Collector,  
Collector Office Complex,  
Ramanathapuram.

3.The Special Deputy Collector,  
Rehabilitation,  
Mandapam Camp,  
Ramanathapuram District- 623 519.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to give employment to petitioner with full back wages.

**W.P. (MD)No.17968 of 2018:**

R.Raja

... Petitioner

vs.

1.The Director,  
Refugees Rehabilitation and Welfare  
Commissionerate for Tamilians residing  
Outside Tamil Nadu,  
Chepauk, Chennai 625 005.

2.The District Collector,  
Collector Office Complex,  
Ramanathapuram.



3.The Special Deputy Collector,  
Rehabilitation,  
Mandapam Camp,  
Ramanathapuram District- 623 519.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to give employment to petitioner with full back wages.

In both cases:

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| For Petitioner  | : Mr.T.Ravichandran                                    |
| For Respondents | : M/s.D.Farjana Ghoushia<br>Special Government Pleader |

**COMMON ORDER**

The petitioner in W.P.(MD)No.17967 of 2018, was appointed as Electrical Helper from 04.07.2006, on daily wages of Rs.354/- per day. After 7 years, the entire amount of daily wages was sanctioned through G.O.Ms.No.1328, Public Refugees Department, dated 25.11.2013.

2.The petitioner in both the Writ Petitions met the Special Deputy Collector, namely Kumaravel, for seeking salary. There was some quarrel between the petitioners and the said Special Deputy Collector. Therefore, the said person did not allow the Writ petitioners to carry on with their work. The petitioner submitted a petition on 07.08.2017, again on 13.09.2017 and prayed to pay the balance salary to them. Since no action was forthcoming, the petitioners were aggrieved. In the meanwhile, the third respondent sent a letter, dated 01.09.2017, stating that the petitioners were absent for duty, therefore, directed them to vacate the quarters allotted to them. Thereafter, the said Kumaravel, was transferred. The petitioner submitted a representation to first and second respondents on 14.11.2017 and again on 21.03.2018. The third respondent stated that the petition dated 21.03.2018 along with enclosures was sent to the third respondent for further action on 28.05.2018. When there was no further action, the petitioner approached the respondents and it was informed that there was a proposal by the respondents for regularizing the petitioner's employment on 13.09.2017. The District Collector has recommended the petitioner's regularization, vide proceedings, in ஓ.பி.ஆர்.4/39790/2017, dated 13.09.2017. The contention of the petitioner that in such circumstances, the respondents cannot be allowed to terminate the service of the petitioners without any notice.



3.The respondents have filed a counter affidavit stating that they were never appointed as Electrical Helper as mentioned in the affidavit. The petitioners were allowed to work as Helper to the Electricians on the basis of daily wages subject to the condition that he would be allotted to work on emergency. Whenever the service of the Electrician is required, the Electrician and the Helper will be called by the PWD Department. The maintenance works of the camp is to be carried out by the PWD Department. On 23.08.2017, the petitioners misbehaved with Kumaravel, who was working as Special Deputy Collector. The said Kumaravel replied through the notice, dated 19.09.2017, denying all the allegations made by the petitioner and the petitioners have not filed any rejoinder. The petitioners did not work continuously and their service are not utilized by the department. The petitioners were residing inside the Camp by paying rent to the department. As he is not working, they were requested to vacate. Therefore, the respondents prayed to dismiss the Writ Petition.

4.Heard Mr. T. Ravichandran, learned Counsel appearing for the petitioner and M/s. D. Farjana Ghoushia, learned Special Government Pleader appearing for the respondents.

5.It is an admitted fact that the work of the petitioners was utilized by the respondents on a daily wage basis, whether it is continuous or not that issue is left open. However, it is evident from the G.O.Ms.No.1328, dated 25.11.2010 that a lump amount was paid to the writ petitioners as wages. The District Collector has submitted a proposal on 13.09.2017 for regularizing their service of the petitioners.

6.Therefore, this Court deems it fit to remand back to the authorities to consider the claim of the petitioner for regularization and for their monetary benefits. If the rules and regulations or any provisions permit, the respondents are directed to consider their claim. The respondents are directed to issue notice and call for objections from the petitioner and thereafter, pass an order. Since no notice was issued to them before terminating their services, which is violative of principles of natural justice, the respondents were directed to issue notice. Even daily wages workers are entitled to show cause notice before termination of service. Therefore, the respondents are directed to issue show cause notice and call for objections from the petitioner, thereafter, pass an order. The above exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order.

7. At the time of admission, this Court has granted interim stay for the notice, wherein the notice directed the petitioners to vacate the quarters. Therefore, the respondents are directed not to disturb their stay in the quarters until other proceeding is over.



8. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Director,  
Refugees Rehabilitation and Welfare  
Commissionerate for Tamiilians residing  
Outside Tamil Nadu,  
Chepauk, Chennai 625 005.
2. The District Collector,  
Collector Office Complex,  
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3. The Special Deputy Collector,  
Rehabilitation,  
Mandapam Camp,  
Ramanathapuram District- 623 519.

+1 CC to M/s.SPL GP ( SR-5962[F] dated 14/02/2022 )

W.P.(MD)Nos.17967 and 17968 of 2018  
11.02.2022

MGJ(05.03.2022) 4P 5C