



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM

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

W.P.(MD)No.25376 of 2018

M.Raman

... Petitioner

vs.

1.The State of Tamilnadu,
repreented by its Secretary to Government,
Agriculture Department,
Secretariat, Chennai.

2.The Director,
Agriculture Department,
Chepauk, Chennai

3.The Joint Director,
Agriculture Department,
Pudukkottai, Pudukkottai District.

4.The Assistant Director,
Agriculture Department,
State Oil Seed Farm,
Vellalaviduthi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to regularize the petitioner,s service from the date of appointment in the light of G.O.Ms.No.494, Agriculture (Ve.Ni.1) Department, dated 29.11.2007, based on his representation, dated 30.10.2018.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Kameswaran
Government Advocate (Civil side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the 1st respondent to regularize the petitioner service from the date of appointment in the light of G.O.Ms.No.494, Agriculture (Ve.Ni.1) Department, dated 29.11.2007, based on his representation, dated 30.10.2018.

2.The brief facts of the case are that the petitioner was appointed as daily wage worker by fourth respondent through direct recruitment from 01.01.1998 and continued as daily wage worker for more than 30 years without any upgradation or regularization of his service. There are so many other persons like the petitioner serving



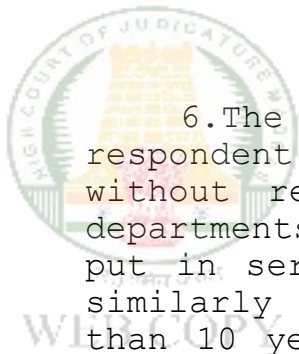
in the respondent's office. Therefore, similarly placed persons jointly made a representation to regularize their service. The fourth respondent submitted a proposal to the third respondent for regularizing their service and in the list, the petitioner's name is under Serial No.27.

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3.The contention of the petitioner is that he has completed 10 years of service as on 01.01.2006. The third respondent sent details through proceedings, dated 20.11.2009. Thereafter, there is no communication from the other respondents. Hence, again a joint representation was submitted to the second respondent, dated 11.02.2014 and individually on 04.10.2013 to 05.06.2014. However, the second respondent, vide letter, dated 24.07.2014, directed the third respondent not to regularize the service of the daily wage labourers and further directed to give artificial break to the workers in every 90 days. The petitioner's contention is that there is a union, namely, Tamil Nadu Government Agricultural Farm Employees Union and they have filed Writ Petition in W.P.(MD) No.26279 of 2015, to consider the representation, dated 12.09.2014, to regularize the employees, working in the respondent department in the light of G.O.Ms.No.22, dated 28.02.2006, Personnel and Administrative Reforms (F) Department and G.O.Ms.No.74, dated 27.06.2013, Personnel and Administrative Reforms (F) Department. The Writ Petition stated above was disposed of, vide order, dated 24.08.2015, directing the respondents to consider the representations of the petitioner and similarly placed persons to the number of 1083 daily wage workers and they have served in the Horticulture Department for more than 10 years. The first respondent, vide G.O.Ms.No.494, Agriculture Department, dated 29.11.2007, has regularized other workers. Therefore, the petitioner is seeking Mandamus, to direct the respondents to confer benefits to the petitioner.

4.The respondents have filed a counter affidavit stating that the petitioner is working as casual employees in the Nominal Muster Roll. As per G.O.Ms.No.74, Personnel and Administrative Reforms (R) Department, dated 27.06.2013 the part time and casual employees are not entitled to concession referred in paragraph (ii). Moreover, the petitioner has not been appointed through employment exchange. The work of the petitioner is to prevent cattle trespass and allotted on a day-to-day work basis at the time of muster roll call. He has enclosed an employment exchange card, dated 04.12.2012, prior to that the petitioner was not registered under the employment exchange at all.

5.Heard Mr.G.Thalaimutharasu, learned Counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents.



6.The contention of the petitioner is that he is working in the respondent department as daily wage workers from more than 30 years without regularization or promotion. The Government in all the departments have regularized the nominal roll workers, if they have put in service for more than 10 years. The petitioner and other similarly placed persons were working in the Department for more than 10 years and they are also eligible for said regularization. But, according to the respondents, it is only a sessional job and the petitioner work is not necessary and there is no sanctioned post. Hence, the petitioner cannot seek any regularization.

7.There are factual matrix in this case and no records are placed before this Court. Therefore, without expressing any opinion on the entire issue, this Court is directing the respondents to consider the petitioner's claim and pass speaking order. The said exercise shall be completed within a period of 10 weeks from the date of receipt of a copy of this order.

8.Therefore, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Secretary to Government,
State of Tamilnadu,
Agriculture Department,
Secretariat, Chennai.
- 2.The Director,
Agriculture Department,
Chepauk, Chennai
- 3.The Joint Director,
Agriculture Department,
Pudukkottai, Pudukkottai District.



4.The Assistant Director,
Agriculture Department,
State Oil Seed Farm,
Vellalaviduthi,
Pudukkottai District.

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+1 CC to M/s.SPL GP (SR-13456[F] dated 22/03/2022)

WP (MD) No.25376 of 2018
21.03.2022

RS (21.04.2022) 4P-6C