



W.P.(MD)No.810 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.810 of 2020
and
W.M.P(MD)No.589 of 2020

M.Haja Mohideen

Vs.

... Petitioner

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Land Administration,
Chepauk,
Chennai – 600 005.

3.The District Collector,
Tanjore,
Tanjore District.

4.The Thashildhar,
Chathiram Administration,
Tanjore,
Tanjore District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records in pursuant to the impugned order issued by the third respondent in Na.Ka.No.1587/2013/Sath A, dated 23.04.2015 and quash the same and direct the third respondent to regularize the service of the petitioner and disburse of the attendant benefits within a stipulated period.

For Petitioner : Mr.D.Ramesh Kumar
For Respondents : Mr.K.Christy Theboral,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner challenging the impugned order issued by the third respondent in Na.Ka.No.1587/2013/Sath A, dated 23.04.2015 and to direct the third respondent to regularize the service of the petitioner and disburse all the attendant benefits within a stipulated period.

2. The case of the petitioner is that he is a resident of Gopalapattinam, Avudiarkoil Taluk, Pudukottai District and he was employed as a watchman in Tanjore Raja Chatram on daily wages from



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01.01.1978 and after completion of 35 years of service, he retired from service on 31.01.2018. However, his services were not regularized. The petitioner further stated that Tanjore Raja Chatram has been established by Maratha kings, who ruled Tanjore two hundred years back and after abolition of the District Council in the year 1961, Chatram administration was brought under the Revenue Department and the employees working there were getting salary and pensionary benefits as payable by the Government. Therefore, the petitioner submitted a representation before the respondents to regularize his services with all attendant benefits. However, the same was rejected by the third respondent vide the impugned order, dated 23.04.2015. Challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that though the Chatram is an independent entity, subsequently, it was brought under the Revenue Department and the Tahsildar, Chatram Administration, Thanjavur, only appointed the petitioner on daily wages. However, after completion of 35 years, the services of the petitioner has



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not been regularized. The learned counsel further submitted that the first respondent issued G.O.No.263, dated 21.03.1986, to regularize all the daily wage employees of Tanjore Raja Chatram along with attendant benefits. Further, the first respondent issued G.O.Ms.No.22, dated 25.02.2006, directing to regularize the services of the employees, who completed 10 years of service as on 01.01.2000.

4. The learned counsel appearing for the petitioner would further submit that the petitioner had been working for 35 years as a watchman on daily wages, however, his services were not regularized. He would further submit that in similar circumstances in W.P.No.12308 of 2005, this Court vide order, dated 30.04.2010, directed to regularize the services of the petitioner therein and therefore, the rejection of the petitioner's claim is not justifiable one and therefore, prayed for allowing of this writ petition.

5. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that initially, the Chatram was managed by the Trust Committee and in view of the dispute arose,



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the management of the Chatram was taken over by the Revenue Department. The District Administration engaged the petitioner for collecting tax in the Aranthangi weekly sandy once in a week and the petitioner collected tax as per the order of the Tahsildar, dated 22.08.2002 and the petitioner was also engaged as a Watchman in Mimisal Village and further, the Sandy is not belonged to the Government and it is only managed by the Government and the petitioner's engagement was purely on temporary basis and therefore, prayed for dismissal of this writ petition.

6. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

7. Admittedly, the petitioner was engaged as a watchman as per the order passed by the Tahsildar, dated 22.08.2002, in Mimisal village and he was also collecting tax in the weekly sandy conducted at Aranthangi and in the appointment order, no salary was fixed and the salary was paid



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based on the collection in the sandy. When the petitioner claimed his employment as a Watchman on regular basis, no material was produced before this Court to substantiate the same. The learned counsel appearing for the petitioner relied on the Government Order in G.O.Ms.No.22 dated 25.02.2006 in support of the case of the petitioner, to state that for the employees, who rendered 10 years of service as on 01.01.2000, the service has to be regularised. However, in the present case, the petitioner's employment was only a temporary one under the Chatram management, which is a private entity not come under any Government service and therefore, the impugned order passed by the third respondent is perfectly in order and the same need not be interfered with.

In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

07.12.2022

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M.DHANDAPANI,J.

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