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W.P.Nos.21991, 25987 & 25988 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.21991, 25987 & 25988 of 2009

R.Sivakumar	... Petitioner in W.P No.21991 of 2009
M.Paramasivam	...Petitioner in W.P No.25987 of 2009
K.Kuppusamy	...Petitioner in W.P No.25988 of 2009

-Vs-

1. The Assistant Director of
Rural Development,
(Village Panchayat Administration)
Old Nattamai Building,
Salem.
2. The Regional Development Officer,
(Village and Panchayat Administration)
Kadaiyampatti,
Omalur Taluk,
Salem District.
3. The President,
Tanishpettai Panchayat Office,
Periyavadagampatti,
Omalur Taluk,
Salem District.



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4. The District Collector,
Collector Office,
Salem.

... Respondents in
all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings Nil dated 18.09.2009, in respect of petitioner passed by the third respondent herein and quash the same and consequently direct the respondents to reinstate the petitioner as a Motor Operator with payment of monthly salary.

In all W.Ps.

For Petitioner : Mr.M.Elango

For Respondents

For R1 & R4 : Dr.T.Seenivasan,
Special Government Pleader

For R2 & R3 : Mr.A.Arumugam

COMMON ORDER

These writ petitions have been filed challenging the orders dated 18.09.2009 passed by the third respondent, thereby removing the petitioners from their service as Motor Operator and consequently direct the respondents to reinstate the petitioners as Motor Operator with payment of monthly salary.

2. According to the petitioners, they were appointed as Motor



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Operator by the President of the Village Panchayat, under the drinking water scheme. The petitioners were duly appointed by the third respondent as per the resolution passed by the Panchayat. When the petitioners sought for regularization of their service, they were terminated from their service, for the reason that they were unilaterally appointed by the third respondent by his own resolution. Further the said appointment is contrary to the government order in G.Ms.No.93 Rural Department (CII) dated 26.03.1997. Therefore, the petitioners filed the present writ petitions with the above prayer.

3. Heard the learned counsel appearing on either side and perused the material placed before this Court.

4. On perusal of the counter filed by the second respondent revealed that G.O.Ms.No.93 Rural Department (CII) dated 26.03.1997, specifically prohibited fresh appointment of any category of the local bodies under Clause 7. The Clause 7 reveals that except as provided by government orders, no fresh appointment on part time/NMR/full time/temporary basis of any category of staff should be made by any local bodies. Despite the above government order, the third respondent



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appointed the petitioner as Water Tank Motor Operator.

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5. That apart, in another government order in G.O.Ms.No.119, Rural Development Department dated 10.05.2000, there was a specific direction that not to appoint Water Tank Motor Operator for each tank taking note of the financial constraint while determining the consolidated pay at Rs.400/- per month and recommending payment of Rs.150/- per month for each additional water tank for its operation by the same water tank operator. Therefore, the third respondent rightly terminated the petitioners, and this Court finds no infirmity or illegality in the orders passed by the third respondent.

6. Accordingly, all the Writ Petitions stand dismissed. There shall be no order as to costs.

16.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
rts

To

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