



WEB COPY



WP.No.20740 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.20740 of 2015

and

M.P.No.1 & 2 of 2015

K.Senthil Kumar

... Petitioner

Vs

1.Government of Tamil Nadu rep.by
The Principal Secretary to Government,
Social Welfare and Nutritious Meal Department,
Fort St.George,
Chennai-600 009.

2.The Project Officer (IWMP/DWDA)
Joint Director of Agriculture, (DWDA),
Coimbatore 641 013.

3.The Executive Director (IWMP/DWDA),
Tamil Nadu DWDA, Ekkaduthangal,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter/proceedings of the second respondent herein namely the Project Officer, Joint Director of Agriculture, Coimbatore 641 013, bearing Na.Ka.No.1007/DWDA/2011 dated 09.05.2015, quash the same and consequently direct the second



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respondent namely the Project Officer, Joint Director of Agriculture, Coimbatore 641 013, to regularize the services of the petitioner in the post of Watershed Development Team ember (WDT-Agronomist) in Integrated Wasteland Development Programme (IWDP III- Batch) from November 2005 in DRDA, Collectorate, Coimbatore District and bring him to regular time scale of pay in the above said post with effect from November 2005 with attendant, service and monetary benefits and other eligible increments due from the above said date and pay the arrears arising out of such regularization of his services within a short date.

For Petitioner : M/s.K.S.Govinda Prasad

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 09.05.2015 in Na.Ka.No.1007/DWDA/2011 passed by the second respondent, thereby rejected the request made by the petitioner to regularise his service in the post of Watershed Development Team Ember in Integrated Wasteland Development Programme from the month of November 2005.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record



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3. The petitioner has been affected by Polio and he was assessed with 50% permanent disability. He has been appointed as Watershed Development Team Ember in Integrated Wasteland Development Programme on temporary basis. Therefore he submitted a representation to regularise his service and to bring him on record in the time scale of pay. As per G.O.(Ms) No.155, Social Welfare Department, dated 16.10.2008, all the persons who are physically handicapped and who are working in various departments for a period of more than two years on a temporary basis be brought into regular time scale of pay and their services be regularised.

4. Without considering the same, the second respondent rejected the request of the petitioner for the reason that his appointment was made under temporary status. According to the respondent, it is not possible to bring him into regular time scale of pay and regularise his service and he was appointed by district collected and he is in false service. Further, the second respondent directed the petitioner to submit his request before the Agricultural Department.



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5. In view of the above, the petitioner is directed to submit his representation annexed with all his service details to the first respondent.

On receipt of the same, the first respondent is directed to consider the representation of the petitioner, in the light of G.O.(Ms) No.151, Social Welfare Department, dated 16.10.2008, within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that if the petitioner is continuing in service, he may continue as per the interim order, till an order is passed by the first respondent.

6. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Lpp
Index:Yes/No
Internet:Yes/No



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To
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G.K.ILANTHIRAIYAN,J.

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