



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.8294 of 2020

and

W.M.P.Nos.9939 & 9941 2020

1. M.Prabhu
2. R.Selvaraj
3. C.Arulsankar
4. M.Kalaimani
5. K.Suresh
6. D.Manikavasagan
7. G.Vasudavan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.

2. The Director of Rural Development
and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 600 015.



3. The District Collector,
Villupuram District,
Villupuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to pass appropriate orders to absorb the petitioners as Road Inspectors as per the proposal Na.Ka.No.14980/12/EE.3 dated 10.08.2013 of the second respondent, from the date of initial appointment/engagement in the post of Technical Assistant under National Rural Employment Guarantee Scheme (NREGS) and grant all the service and monetary benefits within the time limit to be fixed by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondents : Mr.A.M.Ayyadurai,
Government Advocate.

ORDER

This writ petition has been filed seeking a direction to the first respondent to pass appropriate orders to absorb the petitioners as Road Inspectors as per the proposal in Na.Ka.No.14980/12/EE.3 dated 10.08.2013 of the second respondent, from the date of initial appointment/engagement in the post of Technical Assistant under the



National Rural Employment Guarantee Scheme ("NREGS" for short) and grant all the service and monetary benefits within a stipulated time.

2. The facts in brief leading to the filing of this writ petition are as under:-

2.1. The petitioners are holders of Diploma in Civil Engineering and except the sixth petitioner, the rest of the petitioners have B.E. qualification also. They are employed as Technical Assistants under the NREGS in Chinnasalem Block in the present Kallakurichi District. They were appointed through outsourcing by way of an advertisement for a consolidated salary of Rs.4,000/- per month, in the posts sanctioned vide G.O.Ms.No.153, Rural Development and Panchayat Raj (CGS.I) Department dated 20.10.2006. In addition to the petitioners, further Technical Assistants were appointed through the employment exchange under the same scheme. While there are 186 Technical Assistants in the petitioners' batch in the subsequent selection made through employment exchange, there were 543



WEB COPY

Technical Assistants and they were also given a consolidated pay of Rs.4,000/- per month as per G.O.Ms.No.174, Rural Development and Panchayat Raj (CGS.I) Department dated 15.10.2007.

2.2. The grievance of the petitioners is that while the second batch of Technical Assistants selected, viz., 543 Technical Assistants, have been absorbed as "Overseers" as per G.O.Ms.No.96 Rural Development and Panchayat Raj (E3) Department dated 06.06.2008, 186 Technical Assistants, including the petitioners, have not been absorbed but discontinued.

2.3. Their discontinuation from service was challenged before this Court which culminated in passing an order dated 06.08.2008, in W.A.Nos.776 and 777 of 2008 directing the respondents to conduct written test for the said candidates and to appoint them as "Overseers" by considering their performance in the written test and seniority in Employment Exchange Registration by condoning their over-age. Pursuant to the said order, only 29 candidates were appointed as



"Overseers", leaving a balance of 157 who were not appointed on regular basis.

2.4. In pursuance of a representation made by the petitioners and similarly placed Technical Assistants, the second respondent forwarded a proposal dated 10.08.2013 to the first respondent to absorb 168 Technical Assistants as "Road Inspectors" by granting age relaxation. Subsequently, the second respondent addressed a communication to the first respondent to fill up the post of Road Inspectors by direct recruitment, of course, duly reserving 157 posts for the Technical Assistants, as requested vide proposal dated 10.08.2013 stated supra.

2.5. Not stopping with that, the petitioners also addressed a representation dated 24.07.2019 to the Chief Secretary to Government with a request to absorb them as Road Inspectors. While so, the third respondent viz., the District Collector had issued an advertisement on 29.01.2020 for direct recruitment of 23 posts of Road Inspectors.



WEB COPY

2.6. Since the proposal dated 10.08.2013 forwarded by the second respondent is kept in cold storage, the present writ petition has been filed seeking the relief stated in the opening paragraph.

3. The learned counsel for the petitioners submitted that already, the proposal has been sent by the second respondent to the first respondent dated 10.08.2013, but the same has not been considered till date.

4. The learned Government Advocate appearing for the respondents submitted that if a direction is given to the authorities to consider the second respondent's proposal dated 10.08.2013 within a time frame, the same will be considered by the authorities.

5. Considering the above facts and circumstances of the case, this Court directs the first respondent to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



6. With the above direction, this writ petition is disposed of. No costs.

03.08.2023

kmm

Index : Yes/No

Speaking Order : Yes/No

To:

1. The Secretary to Government,
The Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.

2. The Director of Rural Development
and Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai - 600 015.

3. The District Collector,
Villupuram District,
Villupuram.



WEB COPY



J.SATHYA NARAYANA PRASAD,J.

kmm

Writ Petition No.8294 of 2020

03.08.2023