



WEB COPY



W.P.No.41972 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.41972 of 2016

S.Rajamanickam

... Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
Panchayat and Rural Development Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director,
Rural Development Department,
Panagal Building, Saidapet,
Chennai 600 015.
3. The District Collector,
O/o.The District Collector,
Nagapattinam, Nagapattinam District.
4. The Personal Assistant (Panchayat &
Rural Development to the District Collector),
O/o.The District Collector,
Nagapattinam, Nagapattinam District.
5. The Commissioner/Block Development Officer,
Sirkali Panchayat Union,
Sirkali, Nagapattinam District.
6. The District Elementary Educational Officer,
O/o.The District Elementary Educational
Officer, Nagapattinam, Nagapattinam District.



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7. The Assistant Elementary Educational Officer,
Sirkali, Nagapattinam District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the Impugned Order vide Na.ka.No.57708/2016/E3 dated 22.10.2016 passed by the 2nd respondent and quash the same by directing the respondents 1 and 2 to regularise the petitioner's service from 27.05.1995 as per G.O.Ms.No.267 dated 22.12.1999 by paying all the monetary and pensionary benefits to him.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.K.H.Ravikumar

ORDER

The petitioner herein is a daily wage Night Watchman, who sought for regularisation of service with effect from the date of completion of 10 years of his service. When his request was not considered in time, he had filed a Writ Petition before this Court in W.P.No.30757 of 2016 and by order dated 12.09.2016, this Court had directed the respondents 1 and 2 therein, to consider the petitioner's claim in his representation, in the light of G.O.Ms.No.267, Rural Development Department (A7), dated 22.12.1999 and pass appropriate orders on merits. The Director has now passed the order, rejecting the petitioner's request for regularisation.



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2. The issue as to whether the services of the petitioner can be regularised or not is required to be taken by the Government and the Director may not be an appropriate and proper party to take a decision on the same. As such, the petitioner's request for regularisation to be re-considered by the Government.

3. On this short ground alone and without going into the merits of the petitioner's claim for regularisation, the impugned order is set aside and the matter is remanded back to the first respondent herein for reconsideration. The first respondent shall consider the petitioner's request, in the light of the order passed by this Court in W.P.No.30757 of 2016 dated 12.09.2016.

4. This Writ Petition stands disposed of accordingly. No costs.

23.01.2023

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Speaking/Non-speaking order

Neutral Citation: Yes/No

Index: Yes/No

Internet: Yes/No

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To

1. The Secretary to Government of Tamil Nadu,
Panchayat and Rural Development Department,
Secretariat, Fort St. George, Chennai 600 009.



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M.S.RAMESH,J.

Sr

2. The Director,
Rural Development Department,
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3. The District Collector,
O/o.The District Collector, Nagapattinam,
Nagapattinam District.
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Rural Development to the District Collector),
O/o.The District Collector,
Nagapattinam, Nagapattinam District.
5. The Commissioner/Block Development Officer,
Sirkali Panchayat Union, Sirkali, Nagapattinam District.
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