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W.A.No.514 to 521 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.Nos.514, 515, 516, 517, 518, 519, 520 and 521 of 2014
and M.P.Nos.1,1,1,1,1,1,1,1 and 2,2,2,2,2,2 and 2 of 2014**

1.The Government of Tamil Nadu
rep.by the Secretary to the Government
Rural Development Department,
Fort St.George, Chennai-600 009.

2.The Director of Rural Development
Panagal Buildings, Saidapet
Chennai-15.

... Appellants in all W.As

-Vs-

1.A.Lukose		R1 in W.A.514 of 2014
N.Durai Singh		R1 in W.A.515 of 2014
D.Justinraj		R1 in W.A.516 of 2014
T.Paulraj		R1 in W.A.517 of 2014
G.Jeyasingh		R1 in W.A.518 of 2014
P.Justinraj		R1 in W.A.519 of 2014
S.Wilson		R1 in W.A.520 of 2014
G.George		R1 in W.A.521 of 2014

2.The President
Devicode Panchayat
Melpuram Panchayat Union
Kanniyakumari District.

... R2 in W.A.No.514 of 2014

The President
Vilavancode Panchayat
Melpuram Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.515 of 2014



W.A.No.514 to 521 of 2014

The President
Melpuram Panchayat
Melpuram Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.516 of 2014

The President
Manjalamoodu Panchayat
Melpuram Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.517 of 2014

The President
Puliyur Salai Panchayat
Melpuram Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.518 of 2014

The President
Muzhucode Panchayat
Melpuram Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.519 of 2014

The President
Nattallam Panchayat
Killiyur Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.520 of 2014

The President
Nattallam Panchayat
Killiyur Panchayat Union
Kanniyakumari District.

.... R2 in W.A.No.520 of 2014

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in W.P.Nos.40558 to 40561 of 2005 and W.P.Nos.151 to 154 of 2006 dated 26.11.2009.

In all W.As.

For Appellants : Mr.R.Kumaravel,
Additional Government Pleader
For Respondents : Mr.P.Rajendran, for R1 in WA Nos.514 to 517/2014
and W.A.Nos.519 to 521/2014
R1 Died in W.A.No.518/2014,
Mr.K.Arunbabu for R2 in W.A.Nos.515 to 521/2014
No appearance-for R2 in W.A.No.514/2014



W.A.No.514 to 521 of 2014

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

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Since the issue raised in these appeals arise out the common order passed by the Writ Court dated 26.11.2009, all these appeals were heard together and are disposed of by this common judgment.

2. The respondents herein filed the said writ petitions in W.P.No.40558 of 2005 etc., batch before the writ Court seeking for a prayer of Mandamus to absorb the petitioners in a regular establishment in a permanent post with effect from the date of their appointment and to grant all consequential benefits.

3. With similar prayers, in fact another set of writ petitions were filed in W.P.Nos.41207 of 2005 etc., batch in the matter of **T.Selvamony and others -Vs- Government of Tamil Nadu and Others** and that batch of writ petitions were heard by the learned Judge, who allowed those writ petitions by a detailed order dated 25.11.2009.

4. When that being so, the present batch of writ petitions ie., W.P.Nos.40558 of 2005 etc., batch in the matter of **A.Lukose -vs- The Government of Tamil Nadu and Others** came up before the very same learned Judge on the next day ie., 26.11.2009.



W.A.No.514 to 521 of 2014

5. Since the earlier batch of writ petitions on the similar issue were heard and allowed by the learned Judge on the previous day ie., 25.11.2009, this batch of writ petitions were allowed, following the earlier order and the impugned order reads thus,

" The petitioners in W.P.Nos.40558, 40559, 40560 and 40561 of 2005 and W.P.Nos.151, 152, 153 and 154 of 2006 seek a writ of mandamus to direct the respondents to absorb them in the regular establishment in a permanent post with effect from the date of their appointment, namely, 29.1.1993, 29.5.1982, 29.5.1982, 29.1.1991, 12.03.1997, 11.11.1987, 10.4.1984 and 20.2.1995 respectively and grant all consequential benefits to them.

2. Considering the order passed by this Court dated 25.11.2009 in W.P.Nos.41207, 41208, 41209 and 41210 of 2005 (T.Selvamony and Others -vs- Government of Tamil Nadu and Others) as regards the regularisation of the services of the petitioner who were paid daily wages at the market fixed by the Collector, these writ petitions are allowed. No costs. Connected W.P.M.P.Nos.34 and 125 of 2007 are closed."

6. As against the order passed by the learned Judge dated 25.11.2009 in **T.Selvamony and Others -vs- Government of Tamil Nadu and Others** cited supra, the State preferred a batch of writ appeals in W.A.Nos.1013 of 2012 etc., batch in the matter of **Government of Tamil Nadu and Others -vs- T.Selvamony and Others** and this batch of writ appeals was decided by a Division Bench of this Court by a common judgment dated 11.08.2016, where the Division



W.A.No.514 to 521 of 2014

Bench has passed the following order:

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" 11. Considering the decision rendered in W.A.(MD) No.147 of 2013, and also considering the fact that the first respondent/petitioners have been appointed as full time Water Supply Assistants on daily wages basis and also working in the same capacity, the order passed by the learned Single Judge is perfectly correct and the same does not call for any interference, and therefore, these Writ Appeals are liable to be dismissed.

In fine, these Writ Appeals are dismissed without cost. The Common Order dated 25.11.2009 passed in Writ Petition Nos.41207 to 41210 of 2005 by the learned Single Judge of this Court is confirmed. Consequently, the connected miscellaneous petitions are closed."

7. Like that, as against the orders passed by the learned Judge on 26.11.2009 in **A.Lukose -vs- The Government of Tamil Nadu and Others** ie., the order impugned, present set of writ appeals have been filed by the Government of Tamil Nadu.

8. Since the order dated 25.11.2009 in W.P.Nos.41207, 41208, 41209 and 41210 of 2005 (**T.Selvamony and Others -vs- Government of Tamil Nadu and Others**) has been followed in the present impugned order and the set of appeals filed in W.A.Nos.1013 of 2012 etc., batch as cited supra since were dismissed, by thus confirming the order passed by the learned Single Judge dated 25.11.2009 and



W.A.No.514 to 521 of 2014

the said order has been followed in the present impugned order dated 26.11.2009,
the same fate has to be faced by the present appeals also.

9. In the result, all these writ appeals are dismissed. No costs. Consequently,
connected miscellaneous petitions are also dismissed.

(R.S.K.,J..) (K.B.,J.)

02.08.2023

Index : Yes/No
Internet : Yes/No
KST
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and
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