



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.11537 of 2017
and
W.M.P.No.11537 of 2017

M. Chandra

.. Petitioner

Vs.

1.The Government of Tamilnadu

Represented by its Secretary,
Rural Development and Panchayat Raj
Fort St. George
Chennai – 600 009.

2.The Director,

Rural Development and Directorate of Panchayat Raj,
Panagal Buildings,
Saidapet,
Chennai – 600 015.

3.The District Collector

District Collector Office
Ariyalur District.

4.The Block Development Officer,

Panchayat Union,
T.Palur,
Ariyalur District.

.. Respondents



Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd and 4th respondent particularly the District Collector, Ariyalur and the Block Development Officer, T.Palur Panchayat Union, Ariyalur to permit the petitioner to continue as Record Clerk in the 4th respondent, T. Palur Panchayat Union Office, Ariyalur and issue further directions to regularise the service of the petitioner as Record Clerk in the 4th respondent office and give all the consequential service benefits to the petitioner.

For Petitioner .. Mr. N. Inbamaran

For Respondents .. Mr. S. Ravikumar, AGP

ORDER

This writ petition has been filed in the nature of Mandamus seeking a direction to the 3rd and 4th respondents particularly, the 3rd respondent / District Collector, Ariyalur District, to permit the petitioner to continue to work as Record Clerk in the office of the 4th respondent / Block Development Officer, Panchayat Union, T.Palur, Ariyalur District.

2.The petitioner herein had been working at the behest of the 4th respondent as record clerk from 21.02.2002. She had not been appointed.



There is no appointment order. But the 4th respondent had been paying salary to her. After that, she made a request seeking regularization of appointment. That was declined, because that she was never in regular employment.

3.Questioning that and seeking a Mandamus to appoint her in regular service, the present writ petition has been filed.

4.It is also additionally contended that she was physically challenged and cannot do any other work. This Court had directed the petitioner to file a memo disclosing the name of the 4th respondent so that he could be proceeded against, but the learned counsel states that the 4th respondent had retired from service and memo was not filed.

5.In the counter affidavit it is stated that in the office of the 4th respondent, the post of record clerk was vacant from 01.12.1998. The 4th respondent had given in-charge work of record clerk to other persons, which is entirely illegal. One such person is the petitioner herein. When there was an allegation, the 4th respondent discontinued the petitioner herein.



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6.It is thus seen that the petitioner was never in regular employment.

A Mandamus can therefore never be issued to regularize her work. The Court can only assist her by giving a direction to the Jurisdictional Employment Exchange to erase from their records that she had been appointed in the office of the 4th respondent and bring her back as not being put in service in any department and whenever there are regular opportunities available and if she is eligible sponsor her name.

7.With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

16.08.2023

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order: Yes/No
smv



To

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Rural Development and Panchayat Raj
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Chennai – 600 009.
- 2.The Director,
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C.V.KARTHIKEYAN,J.

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