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W.P.No.28127 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2023

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.28127 of 2017
and W.M.P.Nos.30216 & 30217 of 2017

R.Prabhu

... Petitioner

-Vs-

1. State of Tamil Nadu

Rep. by the Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai – 600 009.

2. The Director,

Rural Development & Panchayat Raj Department,
Panagal Buildings,
Saidapet, Chennai – 600 015.

3. The District Collector,

Krishnagiri District, Krishnagiri.

4. Block Development Officer,

Uthangarai Panchayat Union,
Uthangarai, Krishnagiri District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the petitioner's service as Computer Operator from the date of his original appointment with all attendant benefits, without ousting him from service at the office of the 4th respondent.



W.P.No.28127 of 2017

and Administrative Department, dated 28.02.2006 for regularization of service of temporary employees, who all are completed their 10 years service as on 01.01.2006. However, the petitioner's service were not regularized. Once again, the petitioner sent a representation on 21.09.2017 requesting for regularization of his service. Since the same was not considered, the petitioner has preferred the present writ petition.

3. Learned counsel appearing for the petitioner submits that he has not received any instructions from the petitioner and hence, he seeks indulgence of this Court in the disposal of this writ petition.

4. Counter affidavit has been filed by the third respondent District Collector, wherein it has been stated that the petitioner was working as Computer Operator on daily wage basis. However, he was not given any appointment order. That apart, the post itself is not a sanctioned post, therefore, his service were not regularized. Further, G.O.No.93, Rural Development and Panchayat Raj Department, dated 26.03.1997 was issued banning the appointment of contingent employees after 01.04.1981.



W.P.No.28127 of 2017

WEB COPY

5. At the time of admission of the writ petition, this Court ordered *status quo* in respect of the employment of the petitioner and to pay the salary to the petitioner.

6. However, the learned Additional Government Pleader appearing for the respondents 1 to 3 has got the latest instructions from the fourth respondent that the petitioner has not reported duty from November, 2021, therefore the question of regularizing the service of the petitioner does not arise.

7. This Court after careful consideration of the submissions made by both sides and also the written instructions given by the fourth respondent, is inclined to dismiss the writ petition on the ground that the petitioner has not reported duty, hence the question of regularization does not arise.



W.P.No.28127 of 2017

8. With the above observations, the writ petition stands dismissed.

No costs. Connected miscellaneous petitions are closed.

03.11.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

1. The Secretary to Government,
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Secretariat, Chennai – 600 009.
2. The Director,
Rural Development & Panchayat Raj Department,
Panagal Buildings,
Saidapet, Chennai – 600 015.
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W.P.No.28127 of 2017

V.BHAVANI SUBBAROYAN, J.

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Writ Petition No.28127 of 2017

03.11.2023