



W.P.(MD)Nos.796 and 806 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.796 and 806 of 2023
and
W.M.P(MD)Nos.776 and 783 of 2023

R.Dennis Rajan

... Petitioner in W.P(MD)No.796/2023

A.George

... Petitioner in W.P(MD)No.806/2023

Vs.

- 1.The Principal Secretary to Government,
Rural Development & Panchyat Raj Department,
Fort St, George,
Chennai 09.
- 2.The Commissioner of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai – 15.
- 3.The District Collector,
Kanyakumari District @ Nagercoil,
Nagercoil.
- 4.The Assistant Director of Panchayat,
Collectorate Compound,
Nagercoil.
- 5.The Commissioner,



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Thuckalay Panchayat Union,
Thuckalay,
Kanyakumari District.

... Respondents 1 to 5 in both W.Ps.

6.The President,
Muthalakurichi Village Panchayat,
Thuckalay,
Kanyakumari District.

... 6th Respondent in W.P(MD)No.796/2023

7.The President,
Kalkurichi Village Panchayat,
Thuckalay,
Kanyakumari District.

... 6th respondent in W.P(MD)No.806/2023

Common Prayer:Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the order issued by the third respondent in proceedings Na.Ka.No.V3/10646/2022 dated 29.03.2022 and quash the same and to consequently, direct the respondents to pay the petitioners on daily rate basis in accordance with the order passed by this Hon'ble High Court of Madras, dated 29.11.2004 passed in W.P.No.34593 of 2004.

(In both W.Ps)

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader



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Bench of this Court, wherein this Court passed an order on 10.02.2021, directing the respondents to consider representation of the petitioner and pass orders. In pursuant to the said order, the third respondent passed the impugned order rejecting the request of the petitioners. Hence, the petitioners have filed these writ petitions with the aforesaid prayer.

4. The learned counsel appearing for the petitioners would submit that the petitioners made a representation to pay daily wages to the petitioners. However, the third respondent vide the impugned order, dated 23.02.2022, rejected the request of the petitioners citing G.O.Ms.No.20, Rural Development Department, dated 04.02.2021 and the said order is contrary to the order passed by this Court in W.P.No.34593 of 2004 and prays for allowing of these writ petitions.

5. Admittedly, the petitioners are working as Water Supplier and Pump Operator at Muthalakurichi Panchayat and Kalkurichi Village Panchayat respectively. Their request for regularization of his service on daily wage basis, was rejected by the third respondent vide the impugned order, dated 29.03.2022 in terms of G.O.Ms.No.20 Rural Development



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Department, dated 04.02.2021 and challenging the same, the petitioners have filed these writ petitioners.

6. However, the fact remains that the authorities have to follow the Government Orders issued from time to time. In the case of the petitioners, the State Government issued G.O.Ms.No.20, Rural Development Department, dated 04.02.2021, to pay consolidated pay of Rs.4000/- per month. Unless challenging the said G.O., the petitioners cannot file a writ petition challenging the order passed by the third respondent in terms of the said Government Order and therefore, the prayer sought for in these writ petitions cannot be granted.

7. In the result, these writ petitions are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

12.01.2023

PM

NCC:Yes/No

Index:Yes/No



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M.DHANDAPANI, J.

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