



W.P(MD)No.16891 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.16891 of 2023

K.Ganeshkumar

...Petitioner

Vs.

1.The Principal Secretary /
The Agriculture Production Commissioner,
Secretariat,
Fort. St. George,
Chennai – 600 009.

2.The Chief Executive Officer,
State Level Nodal Agency,
Tamil Nadu Watershed Development Agency,
TANCOF Building No.55,
Thiru Vi.Ka Industrial Estate,
Ekkatuthangal, Chennai – 600 032.

3.The District Collector / Chairman,
District Watershed Development Agency,
Joint Director of Agriculture Office,
Collectorate Campus,
Ramanathapuram District – 623 503.

4.The Project Officer / Joint Director of Agriculture,
District Watershed Development Agency,
Joint Director of Agriculture Office,
Collectorate Campus,
Ramanathapuram District – 623 503.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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praying this Court to issue a Writ of Mandamus directing the respondents 3 and 4 to consider the petitioner for the post of Watershed Development Team Member (Engineer) in the upcoming new Project under District Watershed Development Agency, Ramanathapuram District based on the education and experience qualification of the petitioner by considering the representation, dated 01.07.2023 in light of the order in WP(MD).No. 11052 of 2020, dated 17.12.2020 within the time stipulated by this Court.

For Petitioner : Mr.I. Pinaygash

For Respondents : Mr.D.S. Nedunchezhiyan
Government Advocate

ORDER

This Writ Petition has been filed for issuing direction to the respondents 3 and 4 to consider the petitioner for the post of Watershed Development Team Member (Engineer) in the upcoming new Project under District Watershed Development Agency, Ramanathapuram District based on the education and experience qualification of the petitioner by considering the representation, dated 01.07.2023 in light of the order in WP(MD).No.11052 of 2020, dated 17.12.2020 within the time stipulated



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by this Court.

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2. The petitioner is a B.E., (Civil Engineering) Graduate and he was appointed as Water Shed Development Team Member (Engineer) in the year 2003 at the 4th respondent office. He served in the said project from 2003 to 2018 for the period of 15 years receiving a salary of Rs.3,000/- to Rs.15,000/-. Subsequently, the project was completed and therefore, the petitioner was relieved from service by relieving order, dated 31.10.2017. The 4th respondent instructed the petitioner to await for the upcoming new project and his name to be considered and employed again. On 18.04.2022, the petitioner received a call letter for the interview to the post of Water Shed Development Team Member (Engineer) on contract basis for the salary of Rs.13,000/- by the 4th respondent. Based on which, on 21.04.2022, the petitioner duly attended the interview. However, to the petitioner's shock and surprise, the respondents 3 and 4 gave preference only to those who obtained individual order from this Court to the post of Watershed Development Team Member. Since the petitioner did not have Court order, his name was not considered. Hence, he has come forward with the present Writ Petition.



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3. The learned counsel appearing for the petitioner submitted that this Court vide order, dated 17.12.2020 made in W.P(MD).No.11052 of 2020, has deal with the similar case and has passed favorable order to the petitioner. The relevant portion of the said order is extracted hereunder:

“16. Considering the fact that the petitioners are working for than 10-15 years in the same project and considering the age of the petitioners and that the respondents being a welfare state, though it is not a matter of right for the petitioners to claim any legal right over the employment, it is also the duty of the State Government to protect the interest of the petitioners to the extent of their survival, as the State has utilized their services extensively, they cannot go and seek for any new employment, thus, this Court is of the opinion that the respondents can utilise the services of the petitioners in the forthcoming new projects, as stated in the affidavit filed by the second respondent. The petitioners have already got rich experience in the said watershed project. No doubt, such rich experience will be useful for the respondents, in case of utilizing their services in the forthcoming new watershed projects which will be beneficial not only for the respondents, but also the



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agriculturists.

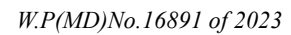
17. Though this Court is not inclined to allow these Writ Petitions, as there is no merit, this Court is inclined to direct the respondents

(a) to consider the petitioners, who are all already worked in the watershed projects, and give priority in employment to them, in the forthcoming new projects of the respondents and

(b) to consider the age relaxation, in the case of direct recruitment for watershed projects, to the petitioners, so as to enable them to participate in the process of direct recruitment. “

4. The learned Government Advocate appearing for the respondents would submit that the petitioner cannot claim right to be appointed in the forthcoming project as a matter of right. The appointments are normally made on such new projects only on the basis of the Government Orders which should be issued from time to time and hence, the Writ Petition is liable to be dismissed.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



7. With the above observation, this Writ Petition is allowed. No

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Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.,

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