



W.P. No.16148 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.16148 of 2013

P.Radhakrishnan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to State,
Rural Development Department,
Fort St. George,
Chennai.

2.Tamil Nadu Water Supply and Drainage Board
Rep. by its Authorized Officer,
T.W.A.D.Board,
Chennai – 600 005.

3.The District Collector,
District Collectors' Office,
Coimbatore.

4.Thekkampatti Panchayat,
Rep. by its Executive Officer,
Karamadai Union,
Coimbatore Distirct.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in Na.Ka.No.1640/2011/K4 and



W.P. No.16148 of 2013

quash the impugned order dated 10.04.2013 and direct the respondents to consider the Petitioner's Permanent Appointment with periodical wages from and date of his appointment vide proceedings of the 4th respondent in Na.Ka.No.1152/95A3 dated 06.12.1995 at the earliest.

For Petitioner : Ms.Karthikaa Ashok
For R1 & R3 : Mr.K.H.Ravikumar
Government Advocate
For R2 : Mr.G.K.Sekar

ORDER

The petitioner herein, who was initially, working as Trainee under the 2nd respondent Board was absorbed by the 4th respondent Panchayat through proceedings in Na.Ka.No.1152/95/A3, dated 06.12.1995 and thereafter, the petitioner claims to have been working as a service provider to provide service connections to the residents and also in connection with filtration of water and supplying to the tanks in the villages. While so, the petitioner made a claim for regularization of his services. However, the said claim of the petitioner was rejected by the respondent by passing the impugned order dated 10.04.2013 on the ground that in terms of G.O.Ms.No.15, Rural Development and Panchayat Raj (E5) Department dated 07.02.2011, the Pump Operators working in Village Panchayat are only the part time workers and their pay fixed as consolidated pay of Rs.2,000/- and therefore, the



petitioner is not entitled for regularization. It is aggrieved by the said order dated 10.04.2013, the petitioner approached this Court by filing the present writ petition.

2. The 3rd respondent filed counter affidavit stating that in terms of G.O.Ms.No.93, Rural Development (C.III) Department, dated 26.03.1997, there was a ban on appointment of Village Panchayat employees on full time/part time basis and in terms of Letter No.4451/E5/07-1, Rural Development and Panchayat Raj Department, dated 11.10.2007, the overhead tank operators are only part time employees and are entitled only for consolidated pay and they are not entitled for regularization of services. It is also further contended that the orders issued by the Government in G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 have no application to the employees working under the local bodies such as 4th respondent herein, and the said Government order applies only to the employees working in different Government departments. Thus, the respondents resisted the claim made by the petitioner for regularization of his services.

3. The case of the petitioner is considered by treating the petitioner



as Pump Operator covered under G.O.Ms.No.15 dated 07.02.2011, but it is not the case of the petitioner that, he is working as Pump Operator. But according to petitioner, he is working as Fitter cum Motor Operator and not as Overhead Tank Operator, the said claim appears to have not been considered by the 3rd respondent, while passing the impugned order.

4. From a perusal of the affidavit filed in support of the writ petition also, the status of the petitioner is not clear, though there appears to be an order absorbing the services of the petitioner through proceedings in Na.Ka.No.1152/95/A3 dated 06.12.1995 and also coupled with the fact that the petitioner has been continuing in the services, in the considered view of this Court, the claim made by the petitioner for regularization is required to be considered any proper prospective by the respondents by duly taking into consideration the facts and circumstances and then to decide entitlement of the petitioner for regularization of his services in accordance with law.

5. In the light of the above, the impugned order cannot be sustained for want of assigning sufficient reasons and accordingly, the impugned order



W.P. No.16148 of 2013

is set aside. Consequently, the petitioner is granted liberty to submit a detailed representation making his claim clear to the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order. In case, if the petitioner make any such representation, the same shall be considered by the 3rd respondent strictly in accordance with law and appropriate orders thereon be passed within a further period of eight weeks from the date of receipt of submission of representation of the petitioner.

6. Accordingly, this writ petition is disposed of. The connected miscellaneous petitions, if any, shall stand closed. No costs.

12.11.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

MUMMINENI SUDHEER KUMAR,J.

dpa

To:

Page No.5 of 6



W.P. No.16148 of 2013

- 1.The Secretary ,
State of Tamil Nadu,
Rural Development Department,
Fort St. George,
Chennai.
- 2.The Authorized Officer,
Tamil Nadu Water Supply and Drainage Board
T.W.A.D.Board,
Chennai – 600 005.
- 3.The District Collector,
District Collectors' Office,
Coimbatore.

W.P.Nos.16148 of 2013

12.11.2024