



W.P.Nos.5435, 5440, 5445, 5448 & 5451 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.5435, 5440, 5445, 5448 & 5451 of 2021
and W.M.P.Nos.6030, 6032, 6033, 6034, 6040,
6041, 6045, 6046, 6049 & 6050 of 2021

N.Kannadasan	... Petitioner in W.P.No.5435 of 2021
T.Aroquiaselvy	... Petitioner in W.P.No.5440 of 2021
J.Baskaran	... Petitioner in W.P.No.5445 of 2021
T.Ravichandran	... Petitioner in W.P.No.5448 of 2021
J.K.Vengadesan	... Petitioner in W.P.No.5451 of 2021

Vs.

1. Union Territory of Puducherry
Rep. by its Secretary,
Department of Agriculture and Farmers Welfare,
New Light House Road,
Vambakeeripalayam,
Puducherry - 605 001.
2. The Collector cum Chairman,
Karaikal Krishi Vigyan Kendra Society,
Madur, Karaikal,
Puducherry 609 607.
3. The Principal,
Karaikal Krishi Vigyan Kendra Society,
Madur, Karaikal,
Puducherry 609 607.



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4. Programme Co-ordinator,
The Karikal Krishi Vigyan Kendra Society,
Madur, Karaikal,
Puducherry 609 607.

5. The Zonal Director,
Indian Council for Agricultural Research (ICAR)
CRIDA Campus,
Santhosh Nagar,
Hyderabad 500 059.

... Respondents in all W.Ps.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring the action of the respondents in not treating the petitioners as having joined as daily rated Sanitary Assistants/Sanitary Helpers / Cleaner on full time basis pursuant to the order of appointment dated 13.07.2007 issued by the 3rd respondent as illegal arbitrary and contrary to law and consequently direct the respondents to draw the seniority list of full time casual labourers under engagement by taking into account of actual date of joining as full time casual Labour and further direct the respondents to regularize the petitioner service based on Seniority list so drawn in the Government of Puducherry Casual Labourers (Engagement and Regularization) Scheme 2009 from the year 2009 with all benefits.

For Petitioner in all W.Ps. : Mr.Balan Haridass

For Respondents in all W.Ps.

For R1 to R4 : Mr.R.Sridhar
Additional Government Pleader
(Pondy)

For R5 : No appearance



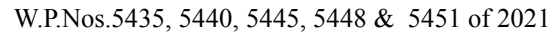
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COMMON ORDER

The petitioners who were appointed as daily rated Sanitary Assistants / Sanitary Helpers / Cleaner on daily rated basis in the year 2009, had rendered 13 years of service continuously in the 2nd respondent Society. Considering the long service of the petitioners, their services were regularised in the year 2016 by issuing orders dated 15.02.2016 by the 4th respondent. However, the same was cancelled subsequently by the 3rd respondent due to non compliance of Rules and Procedures prescribed in the Recruitment Rules and in contravention to the usual procedures of obtaining Government approval.

2. Mr.Balan Haridass, learned counsel for the petitioners submitted that the persons who have been recruited subsequent to the appointment of the petitioners got regularised under the Scheme viz., Puducherry Casual Labourers (Engagement and Regularization) Scheme 2009. However, the petitioners who have been rendering service from the year 2007 are not regularised. In this regard, the petitioners have given representation to the respondents on 30.01.2021 and the same was not considered so far.



4. As per the contention of the learned Additional Government Pleader appearing for the respondents, the regularisation orders have been given only to those persons who are senior to the petitioners and in the matter of seniority, the petitioners did not have any dispute and they have admitted the same. He, however submitted that as per the Scheme formulated in this regard i.e., Puducherry Casual Labourers (Engagement and Regularization) Scheme 2009, only 25% of persons can be regularised



and it has reached the maximum level. Hence, the petitioners cannot be regularised at present.

5. The scheme by name Puducherry Casual Labourers (Engagement and Regularization) Scheme, 2009 has been formulated to regularise the engagement of Casual Labourers on full time basis. Clause 14 of the said Scheme reads as under:

“14. Depending upon the requirement, not more than 25% of vacancies, arising in future in the appropriate Group “D” posts (initial category) may be filled by absorption of full time casual labourers available in the list and not less than 75% of vacancies shall be filled by direct recruitment. The full time casual labourers shall also be considered by the competent selection committee along with open candidates provided the full time casual labourers possess the required educational qualification and if selected necessary age relaxation wherever required, shall be obtained from Lieutenant-Governor. Accordingly, the recruitment rules for



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the said posts will be amended by the departments concerned within a period of 3 months.”

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6. It is claimed by the petitioners that those persons who had been regularised were not senior to them. However, the petitioners have given no objection for the seniority list. But the scheme itself is little confusing because it has chosen to regularise only 25% of the existing casual labourers as on date when the scheme was came into force. In such case, there will be discrimination among similarly placed persons who have rendered several years of service. The respondents by themselves have fixed the 'Seniority' as basis for choosing 25% of the persons for regularisation.

7. In view of the above, I am of the opinion that it is the Government of Puducherry which has to consider the case of the petitioners who are also similarly placed persons and whose services have been regularised and issue guidelines or frame any special scheme or create any post by considering the long service of the petitioners and like others.



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8. With the above observations, the Writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes / No

Speaking order / Non-speaking order
vum

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vum

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