



W.P.No.4760 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4760 of 2020
and W.M.P.Nos.5624 and 5625 of 2020

1. A.Rajendran
2. A.Selvaraju

... Petitioners

Vs

1. The Union Of India,
Ministry of Rural Development,
Krishi Bhawan, New Delhi.
2. The Union of India,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
3. The Additional Chief Secretary,
Directorate of Rural Development and
PanchayatRaj Department,
Panagal Maligai, West Saidapet,
Chennai 600015.
4. The Director,
Directorate of Rural Development and
PanchayatRaj Department,
Panagal Maligai, West Saidapet,
Chennai 600015.



W.P.No.4760 of 2020

5. The District Collector,
Master Plan Complex,
Perambalur Collector Office,
Perambalur District.

6. The Project Director,
District Rural Development Agency,
Master Plan Complex,
Perambalur Collector Office,
Perambalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to frame a scheme of absorption to regularize the petitioners till the completion of the Swach Bharath Mission schemes like ODF +, ODF ++, JAL SE NAL 2024 (under Jal Sakthi Scheme), Solid and Liquid Waste Management Scheme, Plastic Free Zone Scheme, Swachh Surveksha League 2020 and various other Schemes as said in the 2018 Guidelines to provide good hygiene and Sanitation with water protection to all the people in all Villages, Blocks, Districts or absorb and regularize in any one of the other Statutory Department of the State Government in the District Rural Development Agency with decent salary with all pay protections, incentives, Bonus, Insurance protections including all the benefits till the above said scheme is over.

For Petitioners : Mr.C.Kanagaraj
For R1 and R2 : No appearance



W.P.No.4760 of 2020

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ORDER

This writ petition has been filed for direction directing the third respondent to frame a scheme of absorption to regularize the petitioners till the completion of the Swach Bharath Mission schemes like ODF +, ODF ++, JAL SE NAL 2024 (under Jal Sakthi Scheme), Solid and Liquid Waste Management Scheme, Plastic Free Zone Scheme, Swachh Surveksha League 2020 and various other Schemes as said in the 2018 Guidelines to provide good hygiene and Sanitation with water protection to all the people in all Villages, Blocks, Districts or absorb and regularize in any one of the other Statutory Department of the State Government in the District Rural Development Agency with decent salary with all pay protections, incentives, Bonus, Insurance protections including all the benefits till the above said scheme is over.

2. Heard and perused the materials available on record.

3. Similarly placed persons filed batch of writ petitions in which, this Court by an order dated 22.04.2022 in W.P.No.12887 of 2016 and



W.P.No.4760 of 2020

etc., batch held as follows:-

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“ 19. A welfare State grounded on constitutional values, cannot come up with apathetic and callous stand that despite continued employment of these petitioners for years together, no semblance of right is available to them. Such stand by the State is opposed to constitutional values as enshrined in Article 21 of the Constitution of India. The Courts of course have held that equal opportunity must be provided in public employment and entry through back door should be discountenanced. When Article 21 being violated by the State action towards its servants, the consideration of the Government must primarily be focussed on alleviating legitimate grievances of its employees. Even assuming that the recruitment of these writ petitioners had not been fully in consonance with the procedure for appointment in Government services, the fact remained that these persons have been consciously appointed by the Government for implementing public projects and the work has been extracted from them continuously for several years. It is therefore, not open to the Government after a period of time to turn around and contend that these writ petitioners have no right at all to seek any kind of guarantee for their future.

20. In the opinion of this Court, continued employment for several years, even on a projects meant to serve the State as a whole, certain rights would definitely accrue to them, atleast to the extent of making a claim for formulation of a scheme towards their absorption. This Court is quite conscious of the fact that the Government has been benevolent and had come up with several schemes in the past and directed regularisation of services of thousands of employees over a period of time. Such benevolence ought to permeate to the lowest levels to take within its sweep the



W.P.No.4760 of 2020

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desperate cry of the petitioners as well. As in the sublime words of the father of nation, Mahatma Gandhi, "A nation's greatness is measured by how it treats its weakest members". Merely because these writ petitioners have been employed in the projects, the policy makers may not shut their mind and close their eyes to their precarious plight having to serve public purpose but left in the lurch and unprotected, at the end of the day.

21. The State Government which is now responsible for their engagement ought to consider the pitiable state of employment of these employees, hanging precariously by a thread and initiate all necessary and earnest steps towards addressing their grievance. The Government as a reflection of its commiserate understanding ought to first remove its fixated and unconscionable stand that the petitioners are project employees and therefore their grievance is not even worth consideration. Such pachydermatous stand is opposed to equity, good conscience and justice.

22. The Government cannot shut the doors of hope to the petitioners and still would expect them to work effectively in implementation of the projects, serving public purpose. It is a constitutional imperative and also a moral obligation too on the part of the Government to come up with some kind of a comprehensive scheme to address the claim of these employees for regularisation. The Government may graciously consider, taking into account the long period of employment and requirement of their experienced service for serving the larger interest of public in the State.

23. For all the above stated reasons, the State Government is directed to formulate a comprehensive scheme for providing guarantee of employment to these writ petitioners, either by redeploying them in any suitable post on a preferential basis against regular



W.P.No.4760 of 2020

WEB COPY

vacancies that may arise in various Departments of the Government or may sanction regular posts in the sanitation programmes that are being implemented by the State Government for their eventual regularisation.”

4. In view of the above directions, this writ petition is disposed of.

Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

24.09.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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W.P.No.4760 of 2020

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To

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W.P.No.4760 of 2020

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W.P.No.4760 of 2020

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