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W.P.No.28580 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE MUMMINENI SUDHEER KUMAR

W.P No.28580 of 2012

K.Gunavathy

...

Petitioner

Vs.

- 1) Govt. of Tamil Nadu
represented by Secretary to Government,
Handlooms, Handicrafts, Textiles and
Khadi Department, Fort St. George,
Chennai-600 009.
- 2) The Chief Conservator of Forest-cum-
Director of Sericulture, Foulkes Complex,
Anaimedu, Salem 636 001.
- 3) The Special Officer,
Soolagiri Women's Silk Reeling and Yarn
Twisting Cooperative Society Ltd.,
Cherry No.63, Soolagiri,
Hosur Taluk,
Krishnagiri District.

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order passed by the 2nd Respondent in Na.Ka.No. 13628/PA6/2011 dated 22.06.2011, quash the same and consequently direct the Respondents to regularise the services of the



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Petitioner from and to absorb her in a post commensurate with her qualifications in Sericulture Department or in the alternative in regular establishment in Soolagiri Women's Silk Reeling and Yarn Twisting Cooperative Society Ltd. Soolagiri with effect from the date of her initial appointment i.e. 01.07.1984 till the date of her retirement i.e. 31.5.2011 with all consequential service and monetary benefits.

For Petitioner : Ms.T.Subhiksh for Mr.M.Ravi

For Respondents : Ms.R.Karthika, Govt. Advocate

ORDER

The case of the petitioner, as seen from the affidavit filed in support of the writ petition, is that the petitioner underwent training in sericulture-related activities, and thereafter he was appointed as a NMR worker as per office orders issued by the Assistant Director of Sericulture, Dharmapuri, in proceedings.Na.Ka.No.1947/E/84, dated 29.09.1984. Later, the petitioner was appointed as Supervisor, Marudhapalli Women's Sericulture Cooperative Society, on a monthly consolidated pay, and thereafter, the petitioner was appointed as Secretary of Soolagiri Women's Silk Reeling and Yarn Twisting Cooperative Society Ltd. on 22.02.1991, and thereafter, she was appointed as Supervisor in the very same society during the month of December-1999.



2. It is the further case of the petitioner that thereafter she was posted on deputation in Dharmapuri District Silk Reeling and Yarn Twisting Service Industrial Cooperative Society Ltd., where she served till 31.10.2010, and thereafter she was reposted to Soolagiri Society and continued in the said society till 31.05.2011 and retired from service on attaining the age of superannuation. While the petitioner was working in different societies as noted above, the petitioner approached the then existing Tamil Nadu Administrative Tribunal along with another candidate by filing OA Nos. 1756 and 1757/1997, and the said original applications were disposed of by the learned Tamil Nadu Administrative Tribunal directing consideration of the representation dated 16.12.1996 submitted by the petitioner. On considering the said representation submitted by the petitioner, the respondents passed an order in Pro.Na.Ka.No.10798/CD3/97, dated 20.06.97, informing the petitioner that there are no vacancies available in the post of Junior Inspector of Sericulture, for considering the case of the petitioner. The said order dated 20.06.1997 has become final, and there was no challenge to the same. However, thereafter, the petitioner filed another case in WP.No.12764/2011 before this Court, and this Court, by an order dated 25.05.2011 directed the respondents to consider the representation dated 17.04.2011 submitted by the petitioner. On considering the



said representation, the impugned order dated 22.06.2011 came to be passed, informing the petitioner that the services of the petitioner cannot be absorbed as the petitioner has crossed the age limit of 35 years and they relaxed age 5 years. [As already mentioned above, the petitioner has already attained the age of superannuation by May 31, 2011]. Aggrieved by the said order dated 22.06.2011, the petitioner approached this Court by filing the present Writ Petition contending that the similarly situated persons, namely L.Chithra and S.Santhi, were considered and they were appointed as junior Inspectors in the Sericulture Department, but the case of the petitioner was rejected in an arbitrary manner.

3. In response to the notice issued by this Court, the respondent No. 2 filed a counter affidavit stating that the service of the said L.Chithra and S.Shanthi were considered for appointment to the post of Junior Inspector in the Sericulture Department pursuant to the order of the Hon'ble Apex Court and in the teeth of the contempt proceedings, and also considering that the said two candidates are possessing the requisite qualifications for the post of Junior Inspector, Sericulture Department, they were appointed.



4. It is also further stated that the petitioner herein is not possessing the requisite qualification to the post of Junior Inspector of Sericulture Department, namely the age and education qualifications, and also further stated that the petitioner has already attained the age of superannuation; hence the question of appointment or absorbing the petitioner in any of the posts in the Sericulture department does not arise.

5. In the light of the above and as per the case pleaded by the petitioner, the petitioner has been working in different societies but not in the Sericulture Department. In the absence of any service rendered by the petitioner in the Sericulture Department, the question of making a claim for absorption or appointment in any of the posts in the Sericulture Department does not arise. If at all the petitioner has a claim for regular appointments or otherwise, the same can be made only against the societies where the petitioner has worked throughout. Further, the petitioner also failed to challenge the proceedings dated 20.06.1997 whereby his claim was rejected at the earliest point of time.



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6. In the light of the above, this Court does not find any merit in the claim made by the petitioner seeking regularization of her services in any of the posts commensurate with the qualifications possessed by the petitioner. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed, if any.

22.08.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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