



C.M.P.No.5030 of 2024
IN
W.A.SR.No.26022 of 2024

R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

This petition is filed by the petitioners/appellants to grant leave to file an appeal against the order dated 23.08.2022 passed by the learned Judge in W.P.No.8397 of 2015.

2. The learned counsel appearing for the petitioners brought the notice of this Court to the order of the learned Judge dated 23.08.2022 passed in W.P.No.8397 of 2015 filed by 19 individuals, who were appointed as Village Librarians on consolidated pay during the years 1990 to 2000, claiming permanent absorption for the post of Grade-III Librarian. In the said order, in paragraph 10, the learned Judge passed sweeping remarks touching the appointment orders issued in favour of the said individuals and ultimately, dismissed the writ petition. For ready reference, the relevant paragraph is extracted below:

“10. During the arguments in the present writ petition, it is brought to the notice of this Court that the benefit of regularization and permanent absorption was granted by the District Library Officer, Salem in violation of the Government orders and without the prior permission of the Government, which is mandatory. In other words, the District Library Officer, Salem has passed some illegal orders without obtaining prior permission or an intimation to the Government, regularized the services of certain employees on extraneous considerations. When it was brought to the notice of this Court by the learned counsel for the petitioners that such benefits are granted to those persons, the similar benefits are extended to the writ petitioners. This Court directed the learned Additional Advocate General to verify the sanctity of the said order and on verification, the Director of Public Libraries placed on record that it is an illegal order



passed by the District Library Officer, Salem, without obtaining prior



WEB COPY



WEB COPY

R. MAHADEV,



MOHAMMED SHAFFIQ, J.

permission either from the Director of Public Libraries or from the Government as per the Government orders in force and all appropriate actions are taken to cancel the order by following the procedures and to initiate action against the officials, who all are responsible and accountable for such illegalities. It is made clear that further enquiry is also to be conducted, if required, through the Department of Vigilance and Anti-Corruption.”

It is the specific contention of the learned counsel that without providing any opportunity to the petitioners or to the officer who issued appointment orders in the year 2013, appointing the petitioners and the similarly placed persons as permanent employees under time scale of pay, and without impleading them as party to the writ proceedings, the learned Judge passed adverse remarks against them. Therefore, the petitioners sought leave of this court to challenge the said order of the learned Judge in WP. No. 8397 of 2015, as the same affects the legal rights of the petitioners.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 has no serious objection in allowing this petition.

4. Considering the reasons stated in the affidavit filed in support of this petition and also having regard to the submissions made by the learned counsel on either side, leave is granted and this petition is ordered as prayed for.

[R.M.D., J.] [M.S.Q., J.]
01.03.2024

gya

C.M.P.No.5030 of 2024 IN
W.A.SR.No.26022 of 2024