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W.P.No.10410 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.10410 of 2021
and W.M.P.No.11004 of 2021

S.Sathiya

...

Petitioner

/vs/

1. The State of Tamil Nadu
rep. by its Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 9.
2. The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai – 15.
3. The District Collector,
Ariyalur,
Ariyalur District.
4. The Block Development Officer,
O/o. Andimadam Panchayat Union,
Andimadam,
Ariyalur District.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India

to issue a writ of certiorarified mandamus to call for the records connected in Na.Ka.No.48746/2019/F-2, dated 19.10.2020 of the second respondent and quash the same and consequently direct the respondents to consider the claim of the petitioner for appointment on time scale of pay in the post of Computer Assistant (or) in the Alternative Post.

For Petitioners ... Mr.A.R.Suresh

For Respondents ... Mr.T.Chezhiyan,
Additional Govt. Pleader for R1 to R3

Mr.S.Arumugam
Government Advocate for R4

ORDER

Heard Mr.A.R.Suresh, the learned counsel for the petitioner, Mr.T.Chezhiyan, the learned Additional Government Pleader for R1 to R3 and Mr.S.Arumugam, the learned Government Advocate for R4.

2. The petitioner has filed this writ petition challenging the order of the second respondent in Na.Ka.No.48746/2019/F-2, dated 19.10.2020 and to direct the respondents to consider his claim for appointment on time



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scale of pay in the post of Computer Assistant or in an Alternative Post.

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3. The petitioner was initially selected and appointed as Typist on daily wage basis by an order of the Commissioner, Andimadam Panchayat Union in Pro.Na.Ka.No.A1/448/97, dated 19.05.1997. After some time the said post was re-designated as Computer Assistant by the authority concerned. Thereafter the Government has taken a policy decision in Lr.No.19017/pa.a7(2)/2010-8 dated 28.06.2011 by bringing the Computer Assistant into regular time scale of pay by appointing them in the regular post of Computer Assistant. Hence, the petitioner had submitted a representation to the second respondent on 13.02.2019 to pass suitable orders to bring the post of Computer Assistant into time scale of pay. Since there was no response, the petitioner filed a writ petition in W.P.No.25504/2019 seeking direction to the respondents to consider her claim of appointing on time scale of pay. This Court vide order dated 03.10.2019, issued a direction to the respondents therein to consider the representation of the petitioner. Since the same was not considered, the petitioner filed a Contempt Petition in Cont.P.No.692/2020 and this Court



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issued notice to the second respondent. Thereafter, the second respondent passed the impugned order of rejection in Pro.Na.Ka.No.48746/2019/F2, dated 19.10.2020 on the ground that no proposal was received from the District Collector with regard to time scale appointment of the petitioner and the petitioner was not working in Andimadam Panchayat Union. Aggrieved over the said order the petitioner has filed this present writ petition.

4. Mr.A.R.Suresh, the learned counsel for the petitioner, submitted that similarly placed persons have already filed a writ petition in W.P.No.6595 of 2018 and in which a plight of the similarly placed persons has been considered by taking into account of their long years of service.

The relevant paragraphs of the said order is as follows:

“ 23. In the above circumstances, this Court is of the view that by virtue of long years of employment by these petitioners, their claim for regularization is completely justified and such claim, if not considered by the Government would only result in grave injustice being done to these petitioners.

24. For the above said reasons, this Court is of the view that the petitioners have made out a case for grant of relief. The



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writ petition is therefore allowed and there shall be a direction to the Government and to the competent Authorities to initiate further steps to regularize the services of the petitioners as Computer Operators from the date of their original appointments and in case, such posts are not available and sanctioned, these petitioners shall be considered for regular employment in allied posts on the basis of their qualifications, by giving them the benefit of the past services as Computer Operators. The first respondent is directed to extend the benefit of various Government Orders passed on the subject of regularization. If no such Government Order is applicable to the claim of these petitioners, the first respondent is directed to examine the claim of these petitioners sympathetically and pass appropriate orders, if necessary, by framing new Scheme, by granting the benefit of regularization to these petitioners. The first respondent in this regard is directed to pass appropriate orders within a period of 12 weeks from the date of receipt of copy of this order.”

5. Since the above observation is applicable to the facts and relief sought in the present case, this Writ Petition can also be disposed on the similar lines.



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6. Accordingly, this Writ Petition is disposed and the respondents are directed to consider the claim of the petitioner in the light of the earlier order made in W.P.No.6595 of 2018 dated 30.08.2019 and pass orders within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

28.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To:

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R.N.MANJULA ,J.

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