



W.P.No.6185 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.6185 of 2016
and WMP.Nos.5527 & 5589 of 2016

1. M. Prabu
2. G. Vasudevan
3. K. Kanimozhi
4. D.Tamizhelakkiya

... Petitioners

Vs.

1. The Principal Secretary to
Government of Tamil Nadu
Rural Development & Panchayat Raj
(ES) Department,
Secretariat, Chennai – 9.
2. The District Collector,
Villupuram District,
Villupuram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the entire records in pursuant to the termination order issued by the 2nd respondent vide proceedings in ROC.No.10061/2012/PA5-3 dated 07.11.2014 and quash the same and consequently direct the respondents to absorb the petitioners in the post of



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Overseers/Junior Drafting Officers in the regular available vacancies existing in the 1st respondent department within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the entire records in pursuance to the termination order issued by the 2nd respondent vide proceedings in ROC.No.10061/2012/PA5-3 dated 07.11.2014 and quash the same and consequently direct the respondents to absorb the petitioners in the post of Overseers/Junior Drafting Officers in the regular available vacancies existing in the 1st respondent department within a stipulated time.

2. The first respondent issued G.O.Ms.No.105 Rural Development and Panchayat Raj (SGSII) Department dated 09.11.2012. Under the said G.O. 200 posts of Technical Assistants were sanctioned in the Rural Development and Panchayat Raj Department, Village Technical Wing for appointment as Technical Assistants for implementation of special Housing programme for



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“Thane” affected regions. The terms and conditions of recruitment provided that the posts were purely temporary and for a fixed tenure of one year that the appointments would be subject to the rules and regulations of the Government issued from time to time and that the appointees could be terminated without prior notice but at the same time the appointees could not resign from their post without notice. The petitioners names were sponsored by the District Employment officer, Villupuram for appointment as Technical Assistants in the Rural Development and Panchayat Raj Department. The petitioners on successful completion of the selection process were appointed to the said post on the terms and conditions set forth in G.O.Ms.No.105 dated 09.11.2012. According to the petitioners amendments were made to the said G.O by G.O.Ms.No.65 dated 03.07.2013. The petitioners relying on G.O.Ms.No.65 dated 03.07.2013 stated that they were entitled to be absorbed as Overseers. According to the petitioners 836 posts of Overseers and store keepers were sanctioned vide GO(Ms)157 dated 22.10.2013. Out of the 836 posts, 510 posts were allocated for overseers. The petitioners claimed absorption to the posts of Overseer against the 510 posts sanctioned under the aforesaid G.O. The petitioners further relied on G.O.Ms.No.65 dated 03.07.2013 for their absorption. According to them the said GO was passed amending



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G.O.Ms.No.105 dated 09.11.2012 by providing that Technical Assistants recruited through employment exchange on consolidated pay of Rs.12,000/- p.m. could be absorbed as Overseer in Rural Development and Panchayat Raj Department after completion of the project in the available posts on the basis of seniority. The petitioners state that even though 510 posts of Overseer were available, the 2nd respondent instead of absorbing the petitioners as Overseers vide the impugned order dated 07.11.2014, relieved the petitioners from service by dismantling the posts of Technical Assistants. The petitioners were rendered jobless and hence they filed the above writ petition for the aforesaid reliefs.

3. The respondents filed a detailed counter giving an elaborate account of the petitioners appointment as Technical Assistants in the Rural Development and Panchayat Raj Department. The respondents also narrated the circumstances and the purposes for which GO.Ms.No.65 dated 03.07.2013 was issued. The respondents submitted that the petitioners were appointed strictly in terms of GO.Ms.No.105 dated 09.11.2012 and that even at the time of their appointment they were well informed that their appointments were temporary (i.e.,) for a fixed period of one year and that they were liable to be terminated on completion of the project. The respondents further submitted that the reliance



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placed by the petitioners on G.O.Ms.No.65 dated 03.07.2013 was misplaced and that the said GO did not contemplate the absorption of the petitioners. The respondents therefore submitted that the order was valid and did not call for any interference. The writ petition had no merits and hence deserved to be dismissed.

4. The learned counsel for the petitioners relying on G.O.Ms.No.65 dated 03.07.2013 submitted that as per para 2 clause 3, the petitioners who were appointed as Technical Assistants through Employment Exchange on consolidated pay of Rs.12,000/- per month, were entitled to be absorbed as Overseer in Rural Development and Panchayat Raj Department, after completion of the project in the available vacant post on seniority basis (Registration in the Employment Exchange).

5. The learned Government Advocate on the other hand submitted that if the GO was read as a whole it would be very clear that clause 2 para 3 was only a proposal and as the same was rejected by the Government, the petitioners case had no legs to stand.



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6. Heard both sides and perused the materials available on record.

7. The facts are not disputed and the only point to be considered, is if the petitioners are entitled for absorption as per G.O.Ms.No.65 dated 03.07.2013. For better appreciation G.O.Ms.No.65 dated 03.07.2013 para 2 clause 3 is extracted hereunder:-

2. In the letter 2nd read above, the Commissioner of Rural Development and Panchayat Raj has stated that it is necessary to issue certain amendments to the Government order first read above for filling up of these sanctioned posts for the following reasons:

(iii) The post of Technical Assistant which can be recruited through Employment Exchange on consolidated pay of Rs.12,000/- per month may also be absorbed as Overseer in Rural Development and Panchayat Raj Department after completion of this project in the available vacant post on seniority basis (Registration in the Employment Exchange).

The Government also order the following:-

(ii) The present 'Thane' posts will lapse automatically in one year and the suggestions for absorption regarding Assistant Engineers and Technical Assistants are not accepted.



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8. From a reading of the aforesaid GO it is clear that clause 3 was only a proposal given by the Commissioner of Rural Development and Panchayat Raj, Chennai and the said proposal was considered by the Government and rejected. Ergo, as rightly contented by the Government Advocate the interpretation placed on G.O.Ms.No.65 dated 03.07.2013 by the petitioners is totally misconceived and therefore the petitioners plea cannot be countenanced. The learned Government Advocate relying on proceedings Na.Ka.No.PaA5/2978/2021 dated 09.08.2024 submitted that all the recruitments to the post of Assistant Engineers and Technical Assistants are now made only through Tamil Nadu Public Service Commission.

9. Be that as it may. In view of the above discussion and the factual matrix of the case, I find no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

12.08.2024

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Index : Yes /No

Speaking Order : Yes/No



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N. MALA, J.

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To

1. The Principal Secretary to
Government of Tamil Nadu
Rural Development & Panchayat Raj
(ES) Department,
Secretariat, Chennai – 9.
2. The District Collector,
Villupuram District,
Villupuram.

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