



WEB COPY

W.P.Nos.247 & 254 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.Nos.247 & 254 of 2021 and
W.M.P.Nos.321, 328, 6507 & 6510 of 2021

1.S.Thirumoorthi
2.M.Pugalanthi
3.K.Shanmugam
4.P.Senguttuvan
5.K.Murugan
6.P.Balasubramanian
7.T.sundaram
8.I.Mohan Kumar
9.N.Selvaraj
10.V.Rathinavel
11.M.Dinesh Kumar

... Petitioners in W.P.No.247 of 2021

V.Nagamaanickam

... Petitioner in W.P.No.254 of 2021

Vs.

1. The State of Tamil Nadu
represented by its Principal Secretary to Government,
Finance (Pay cell) Department,
Fort St. George, Chennai 600 009.

2.The Director of Town Panchayat,
Directorate of Town Panchayats,
75, Santhome High Road,
R.A.Puram, Chennai 28.

3.The Assistant Director,
Town Panchayat,
Salem Region, Salem.

... Respondents 1 to 3 in both W.Ps



4.The Executive Officer,
P.N.Patty Selection Grade Town Panchayat,
Mettur Taluk, Salem District. ... 4th respondent in W.P.No.247 of 2021

4.The Executive Officer,
Kolathur Special Grade Town Panchayat,
Mettur Taluk, Salem District. ... 4th respondent in W.P.No.254 of 2021

Prayer in W.P.No.247 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings in Na.ka.No.1222/2020 A3 on the file of the second respondent dated 07.10.2020 and the subsequent proceedings in Na.Ka.No.232/2020 on the file of the 4th respondent dated 06.11.2020 and quash the same.

Prayer in W.P.No.254 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings in Na.ka.No.1222/2020 A3 on the file of the second respondent dated 07.10.2020 and the subsequent proceedings in Na.Ka.No.211/2020 on the file of the 4th respondent dated 06.11.2020 and quash the same.

In both W.Ps.

For Petitioners : Mr.D.Rajkumar

For Respondents : Mr.M.Muthusamy, GA for R1 to R3
Mr.V.Jayaprakash Narayanan for R4

COMMON ORDER

These Writ Petitions have been filed for quashment of the order passed by the second respondent in Na.ka.No.1222/2020 A3 dated 07.10.2020 and the subsequent proceedings in Na.Ka.Nos.232 and 211/2020 on the file of the 4th respondent dated



06.11.2020.

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2. Heard the learned counsel on either side and also perused the materials available on record.

3. The case of the petitioners herein is similar to that of the dispute which arose in a batch of Writ Appeals in W.A.(MD).No.804 to 814 of 2022 batch (C.Manikandan and others Vs. The State of Tamil Nadu and others). In the said Writ Appeals, this Court has passed the following order:

“ 9. We have carefully considered the arguments on either side. We are in entire agreement with the learned Additional Advocate General. The writ petitioners are all covered under basic services, namely, services which are governed by Tamil Nadu Town Panchayat Establishment (Qualification and Recruitment of Office Assistants) Rules 1988, whereas the trade posts are covered under the Tamil Nadu Town Panchayat Establishment Rules. It is a fortuitous circumstance that the pay that the petitioners were drawing were similar to those who were unskilled, but possessed practical experience. The Director of Town Panchayat had equalized the writ petitioners, who are in basic service, with those in the technical service and had granted the relief to the writ petitioners. This factum had come to light when an audit was done and the mistake committed by the Director of Town Panchayat came



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to light. This has been rectified by the impugned order in the Writ Petitions.

10. The writ petitioners, who are VIII standard pass and X standard fail, cannot claim to be equivalent to the persons with I.T.I certificate and persons, who did not have I.T.I certificate, but those who had technical qualification by virtue of their practical experience. The idea of merging skilled and unskilled workers was to finally phase out the unskilled assistants till the present incumbents vacate their posts. This benefit which had been granted for persons who are otherwise not technically qualified, but possessed experience, cannot be granted to the writ petitioners, who are in an entirely different service. Therefore, we do not find any error in the impugned order. Accordingly, the Writ Appeals are dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.”

4. The subject matter in issue is also similar to that of the earlier batch of Writ Appeals filed in W.A.Nos.804 to 814 of 2022 batch, in which the aforesaid order has been passed. Since the petitioners are also similarly placed as that of the petitioners in W.A.Nos.804 to 814 of 2022 batch, their case would also have the similar line of appreciation involved in the above Writ Appeals.



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5. In the light of the order passed by this Court in the Writ Appeals as stated supra, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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represented by its Principal Secretary to Government,
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2. The Director of Town Panchayat,
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