



WEB COPY



W.P.Nos.34075, 34076, 34079, 34081 to 34085
and 34087 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos. 34075, 34076, 34079, 34081 to 34085
and 34087 of 2023

W.P.No.34075 of 2023 :-

Jothiram

...Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Rural Development and
Panchayat Raj,
Chennai – 600 015.
- 3.The District Collector,
Dharmapuri District,
Dharmapuri.
- 4.The Project Director cum
Member Secretary,
Dharmapuri District Socio Economic
Development Society,
Dharmapuri.



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5. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai.

... Respondents

Prayer in W.P.No.34075 of 2023 : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue orders absorbing the petitioner in the Rural Development and Panchayat Raj Department and regularize the services of the petitioner from the date of his appointment in the Dharmapuri District Development Corporation Limited with all consequential benefits in the light of the orders passed in G.O.Ms.No.57, RD & PR (E5) Department dated 20.06.2013 and G.O.Ms.No.100, Rural Development and PR Department dated 02.09.2016 and in the light of the communication of the 3rd respondent in his proceedings in Na.Ka.No.212/2016/R.14 dated 04.05.2021 with all consequential benefits including retirement and pensionary benefits with arrears on the basis of the representation of the petitioner dated 28.07.2023 within a time frame.

For Petitioner : Mr.B.Saravanan
(in all WPs) Senior Counsel for
T.Sundaravadanan

For Respondents
1 to 4 : Mrs.V.Yamuna Devi
(in all WPs) Special Government Pleader

For Respondent 5 : Mr.R.Bharanidharan
(in all WPs) Standing Counsel



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COMMON ORDER

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These writ petitions have been filed for direction to the respondents to issue orders regarding absorbing the petitioners in the Rural Development Panchayat Raj Department and regularize their services from the date of their appointment in the Dharmapurai District Development Corporation Limited.

2. As per G.O.Ms.No.672, Rural Development and Local Administration Department dated 15.04.1975, Dharmapuri District Development Corporation Limited was constituted under the Companies Act. The petitioners were temporarily appointed in various posts and they were attained age of superannuation and retired from service. As per G.O.Ms.No.14 dated 21.01.2020, directed the 2nd respondent to wind up the Dharmapuri District Development Corporation Limited immediately and to establish District Rural Development Agency in its place. The 2nd respondent had sent a proposal to 1st respondent seeking to absorb the staffs of the erstwhile Dharmapuri District Development Corporation Limited. Subsequently, in G.O.Ms.No.61, Rural Development (E1) Department, dated 26.02.2001 permitted the 2nd respondent to take three Assistant Executive Engineers, one Assistant Engineer and twelve Junior Engineers of erstwhile Dharmapurai District Development Corporation



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Limited on deputation basis in the Panchayat Development Unit. Subsequently, on 07.06.2002 meeting was convened under the Chairmanship of the 1st respondent and decided to absorb all the staffs who worked under the erstwhile Dharmapuri District Development Corporation Limited in Rural Development Department and other agencies.

2.1. Accordingly, the 3rd respondent had sent a proposal for absorption of the staff in the Rural Development and Panchayat Raj Department and other agencies. The 2nd respondent by its proceeding dated 04.10.2010 had sent the particulars of the petitioners and the staffs who were employed in the erstwhile Dharmapurai District Development Corporation Limited for absorption. Thereafter, the 1st respondent issued order in G.O.Ms.No.57, Rural Development and Panchayat Raj Department, dated 20.06.2013 for regular absorption of only 11 Office Assistants, 3 Jeep Drivers and 1 Night Watchman. Accordingly, their services were also regularized from the date of their appointment in the erstwhile Dharmapuri District Development Corporation Limited. However, the petitioners were not absorbed. Therefore, they submitted representations and also approached this Court in W.P.No.14754 of 2015. While the said writ petition was pending, the 1st respondent issued



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another Government order in G.O.Ms.No.100, Rural Development and Panchayat Raj (E5) Department, dated 02.09.2016 thereby absorbed some of the Junior Engineers of the erstwhile Dharmapuri District Development Corporation Limited in the Rural Development and Panchayat Raj Department. This Court by order dated 19.02.2020 directed the 1st respondent to consider the representation and pass appropriate orders in accordance with law. Thereafter, the 3rd respondent had sent its communication to the 4th respondent on 04.05.2021 with regards to the particulars of the petitioners. So far, no order has been passed. Now, the petitioners made representations dated 28.07.2023 requesting the respondents to absorb and regularize their services from the date of their appointment.

3. Therefore, the 1st respondent is directed to pass appropriate orders on the representations submitted by the petitioners considering the observations made by this Court in W.P.No.17617 of 2019 and W.P.No.14734 of 2015 on merits in accordance with law within a period of three weeks from the date of receipt of copy of this order.



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4. With the above directions, these writ petitions stand disposed of. No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

- 1.The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
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Chennai – 600 009.
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G.K.ILANTHIRAIYAN. J,

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