



W.P.(MD).Nos.585 & 586 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.585 & 586 of 2024

W.P(MD)No.585 of 2024:

P.Paulmurugan

... Petitioner

Vs.

1.The Secretary to Government,
Adi-Dravidar & Tribal Welfare Department,
St.George Fort,
Chepauk,
Chennai-600 009.

2.The Director,
Adi-Dravidar & Tribal Welfare Department,
Chepauk,
Chennai-600 009.

3.The District Collector,
Theni District,
Theni.

4.The District Adi-Dravidar & Tribal Welfare Officer,
Theni District,
Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service from the date of the petitioner's initial



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appointment i.e.05.03.2001 and pay all the service and monetary benefits and thereby direct the respondents to take appropriate steps to include his name in the old pension scheme based on his representations, dated 25.07.2006 and 18.12.2023 submitted to the 1st and 4th respondents in person respectively within the time limit stipulated by this Court.

W.P(MD)No.586 of 2024:

S.Rajendran

... Petitioner

Vs.

1.The Secretary to Government,
Adi-Dravidar & Tribal Welfare Department,
St.George Fort,
Chepauk,
Chennai-600 009.

2.The Director,
Adi-Dravidar & Tribal Welfare Department,
Chepauk,
Chennai-600 009.

3.The District Collector,
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... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service from the date of the petitioner's initial



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appointment i.e.05.03.2001 and pay all the service and monetary benefits and thereby direct the respondents to take appropriate steps to include his name in the old pension scheme based on his representations, dated 25.07.2006 and 18.12.2023 submitted to the 1st and 4th respondents in person respectively within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

The present writ petitions have been filed seeking direction to the respondents to regularize the petitioners' service from the date of their initial appointment and pay all the service and monetary benefits and thereby direct the respondents to take appropriate steps to include their name in the old pension scheme based on their representations submitted to the 1st and 4th respondents in person respectively.

2. In the year 2001, the fourth respondent decided to fill up the vacant posts of Cook in the Government Adi-Dravidar Welfare Boys / Girls Hostel in Theni District through Employment Seniority maintained at jurisdictional Employment Exchange. Accordingly, he issued an order of permanent



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appointment of 29 candidates and accommodated them as Cooks in the Boys / Girls Hostels under his control vide proceedings, dated 05-03-2001. Since the petitioners are also senior most candidates of the Theni District Employment Exchange, they were in the ultimate hope and belief that they would also be issued with an order of permanent appointment as Cook in the Boys / Girls Hostel by the fourth respondent department. However, the fourth respondent vide his proceedings, appointed the petitioners and six others as Cook under monthly consolidated pay of Rs.500, Rs.100 and Rs.70 respectively without any valid reasons. Since the petitioners were appointed towards a regular vacancy through proper recruitment, the fourth respondent ought to have issued them with the permanent order of appointment as done in the case of the other 29 appointees, vide proceedings dated 05-03-2001 instead of appointing the petitioners under consolidated pay. Therefore, the petitioners submitted a representation, dated 25-07-2006 to the Special Cell of the Honorable Chief Minister requesting them to regularize their service in the post of Cook in the fourth respondent department from the date of their original appointment that is from 05-03-2001.



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3. In the meanwhile, the petitioners' service was regularized on 01-01-2008 and their probation period was also declared successful, vide proceedings of the fourth respondent dated 01-11-2010. Thereafter, the petitioners were promoted as Watchman and were posted at Government Adi-Dravidar Welfare Boys Hostel, Theni and they are working in the very same post as of now. Even after the passage of more than several years from the date of the petitioners' representation dated 25-07-2006 to the Special Cell of the Honorable Chief Minister requesting them to regularize their service in the post of Cook in the fourth respondent department, the respondents have not taken any active steps to regularize their service from the date of their initial appointment even after a lapse of 16 years. Therefore, they submitted a representation afresh on 18-12-2023 through proper channel and requested the respondents to regularize their services. The same was not considered.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would



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amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. In view of the same, without going into the merits of the case, this Court hereby direct the respondents to consider the petitioners' representation dated 25-07-2006 and 18-12-2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. Accordingly, both the Writ Petitions stand disposed of. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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L.VICTORIA GOWRI, J.

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