



WP.(MD).No.7351 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7351 of 2024

S.Kannan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk,
Chennai – 10.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Kuruvikaran Salai, Annanagar,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to dispose the petitioner's representation dated 11.02.2024 and to direct the second respondent refer the petitioner name as eligible candidate to first respondent for preferring centralized panel list for the year 2024.

For Petitioner	: Mr.V.Sriram
For Respondents	: Mr.R.Badurs Zaman Standing Counsel



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents herein to dispose the petitioner's representation dated 11.02.2024 and direct the second respondent refer the petitioner name as eligible candidate to first respondent for preferring centralized panel list for the year 2024.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(I)The petitioner was recruited as a Helper through employment exchange in the year 2012 and the petitioner is working in the aforesaid post in the second respondent Office on seasonal basis. Their duty is to procure paddy from agriculturist/farmers during paddy season and store the same in the warehouse. The nature of the job is seasonal and he is employed in direct procurement centre. In the meanwhile, the first respondent issued a direction to all the Regional office including the second respondent to sent the eligible list of Bill



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Clerk/Helper/Watchman, who are appointed in 2012 batch for filling up existing vacancy in the year 2022 on or before 30.07.2022. Based on that, list of eligible candidates were referred to the first respondent for preferring centralized seniority panel list and the first respondent vide proceedings dated 11.08.2022 released seniority panel list in Annexure 1, Annexure II and Annexure III. Annexure I is the centralised seniority list for the employees during the year 2012 and who are not having any adverse remarks. Following which, Annexure II is the list of seasonal employees who are having pending recovery proceedings. Annexure III is the list of seasonal employees on whom punishment has been imposed or black listed. On basis of those Annexures, the first respondent has regularised the names of 251 seasonal Bill Clerks/Helpers shortlisted in Annexure I.

(ii)The petitioner's name is included in Annexure II. An amount of Rs.1,98,093/- has been shown as pending recovery amount. However, the second respondent has not issued any recovery order in writing to the petitioner, but he has been instructed orally to pay the said amount while working in the direct procurement centre. The petitioner has paid the entire recovery



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amount as mentioned in Annexure II on 01.07.2023. Hence, the petitioner is eligible to be regularised in service. Since he is not regularised, he has made representation dated 11.02.2024 to the first respondent seeking to refer the petitioner's name as eligible candidate to first respondent for preferring centralized panel list for the year 2024. However, the same was not considered. Hence, this Writ Petition came to be filed.

4.The learned Standing counsel appearing for the respondents on written instructions submitted that the contention of the petitioner that he has completely paid the amount of recovery as indicated in Annexure II is not correct, yet there are pending amount as against the petitioner. Unless and until the amount is paid by him, the petitioner's case of inclusion in the centralised list cannot be considered.

5.Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents and carefully perused the entire materials available on record.



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6.In view of the same, without going into merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated 11.02.2024 and pass appropriate order in accordance with law within a period of four weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
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L.VICTORIA GOWRI, J.

Mrn

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