

WP No. 23712 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on
04.04.2025

Pronounced on
25.04.2025

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THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WP No. 23712 of 2015

and

WMP No. 3179 OF 2016

J.Valli, W/o.M.Sivalingam,
Hale Dharmapuri Po,
Dharmapuri District - 636703

Petitioner(s)

Vs

1. Secretary to the Government,
Rural Development and Panchayatraj Department,
Fort St. George, Chennai - 600 009

2.The Director,
Rural Development and Panchayatraj,
Saidapet, Chennai- 600 050

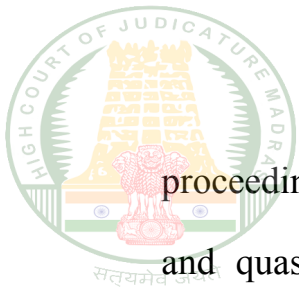
3.The District Collector,
Dharmapuri District, Dharmapuri

4.The Commissioner
Panchayat Union, Dharmapuri

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of Constitution of India for issuance of
Writ of Certiorarified Mandamus to call for the records of the impugned



proceeding of the 3rd Respondent in Na.Ka.No.3076/2015/ka3 dated 15.07.2015 and quash the same and direct the respondents 2 and 3 to regularize the petitioners services in the post of Computer Operator/Typist.

For Petitioner(s): Mrs.Sudharshana Sunder

For Respondent(s): Mr.Vadivelu Deenadhayalan,
Additional Government Pleader

ORDER

Writ Petition has been filed to call for the records of the impugned proceeding of the 3rd Respondent in Na.Ka.No.3076/2015/ka3 dated 15.07.2015 and quash the same and direct the respondents 2 and 3 to regularize the petitioner's service in the post of Computer Operator/Typist.

2.The petitioner joined the Block Development Office, Pennagaram as Daily wager on 01.11.1995 and worked till 31.01.1999. Subsequently, she was transferred to Dharmapuri on 01.02.1999. By resolution No.102(7) dated 23.07.2003 she was appointed as Computer Operator on daily wages at the rate of Rs.100/-, pursuant to the Collector's letter P.R.No.853/2003/E1 dated 19.05.2003 and is working there till date without any blemish in service. She had also undergone a training on “Participants Information System Software” computer training for block Computer Operator and Assistant. She had completed ten years of service as on 30.11.2005 and her name has been



recommended for regularization from time to time for the post of Computer Operator/Typist but till date she has not been regularised in the said post. Her name has been recommended by the Collector to work as Computer Operator at the Collectorate Office in proceedings No.1522/203/A3 dated 22.08.2014.

3.The counter affidavit has been filed by two different District Collectors at different point of time having different stand as discussed infra.

4.The list of dates that are required for the purpose of this case are as under:

On 01.11.1995 the petitioner joined the Block Development Office, Pennagaram as Daily wagger and worked there till 31.01.1999. Subsequently, she was transferred to Dharmapuri on 01.02.1999. As per resolution No.102(7) dated 23.07.2003 she was appointed as Computer Operator on daily wages at the rate of Rs.100/-, pursuant to the Collector's letter P.R.No.853/2003/E1 dated 19.05.2003. She had also undergone a training on "Participants Information System Software" computer training for block Computer Operator and Assistant. She had completed ten years of service as on 30.11.2005 and her name has been recommended for regularization on 22.08.2014 for the post of Computer Operator/Typist. On 06.12.2014 she has sent a representation to the respondent. On 25.03.2015, this Court in W.P.No.3284 of 2015 has directed the respondent to dispose the said representation dated 06.12.2014. On 15.07.2015, the impugned order has been passed by the 3rd respondent.

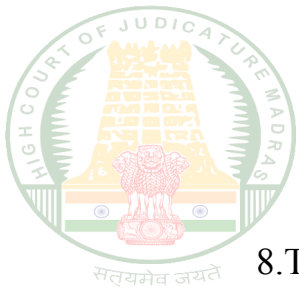


5. Heard the learned counsel appearing on either sides and perused the available records.

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6. It is averred in the petition that the petitioner was recruited as a Computer Operator on a temporary/daily wage basis on 01.11.1995. The Government deemed it fit to grant regularization to persons, who had completed 10 years of part-time/daily wage service, as per G.O.Ms.No.22 dated 28.02.2006, wherein the cut-off date for completion of 10 years of service was set as 01.01.2006.

7. According to the petitioner, she has been working as a Computer Operator since 01.11.1995, and considering her completion of 10 years of service, her name was recommended for regularization; however, her service was not regularized. In the first round of litigation, the Writ Petition in W.P.No.3284 of 2015 was heard and allowed, subsequently, the impugned order was passed and once again, her request for regularization under G.O.Ms.No.22 dated 28.02.2006 was rejected. The primary ground for rejection was that she was not sponsored by the employment exchange and that her service records was not available to confirm her date of joining i.e., 01.11.1995. An additional typed set of papers has been filed by the petitioner, showing that during a previous recommendation for the petitioner's regularization, certain entries were made by the Commissioner regarding her service.



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8.The main ground on which the writ petition is filed is that the District Collector, Dharmapuri, addressed a letter to the Commissioner, District Panchayat Raj Unit, Dharmapuri, forwarding the petitioner's name and others for regularization. Initially, the then District Collector filed a counter affidavit admitting the fact of her employment in the office, however, contended that since she was not sponsored by the employment exchange, she was not eligible for regularization. Subsequently, another counter affidavit was filed by the subsequent District Collector, stating that service records of the petitioner were not available to confirm that she had been employed since 01.11.1995.

9.Learned counsel for the petitioner relied upon the order passed by the learned single Judge of this Court in W.P.No.6595 of 2018 dated 28.08.2019 and the judgment passed by the Division Bench of this Court in W.A.No.3954 of 2019 dated 01.11.2021 to the effect that similarly placed persons are also granted relief in respect of the very same G.O. W.A.No.3954 of 2015 is in respect of regularisation of service of computer operator from the date of their original appointment, which was considered by the Division Bench and it was held in favour of the similarly placed persons like that of the petitioner.

10.The Additional Government Pleader produced a communication between the Panchayat Board and the Commissioner of Panchayat indicating



that the petitioner had worked for some time but she was not sponsored by the employment exchange.

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11.From the typed set annexed to the writ petition, it is evident that the District Collector himself addressed a letter indicating her date of employment, employment exchange registration number, and date of appointment for regularization. However, the learned Additional Government Pleader stated that the particular letter is not available with either the fourth respondent or the District Collector of Dharmapuri.

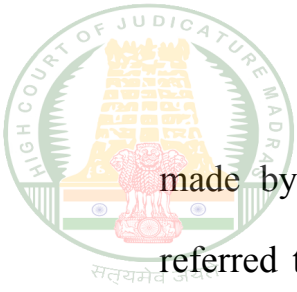
12.Pursuant to the order dated 25.02.2025, the learned Government Pleader has produced the letter addressed by the District Collector to the Commissioner, Rural Development and Panchayat Raj Department, Panagal Building, Saidapet, Chennai - 15, in Na.Ka.No.21432/2009/K4, dated 31.08.2009 which substantiated the case of the petitioner assumes significance. However, two different Collectors who occupied the post of the Collector of the third respondent's office. In the first counter affidavit it was averred that petitioner was not sponsored through Employment Exchange and the petitioner is not entitled for regularisation and in the second counter affidavit it was stated that the records are not available and therefore, initial date of appointment could not be made out.



13. After going through the communication produced by the Government Pleader, which is a letter addressed by the District Collector to the Commissioner, Rural Development and Panchayat Raj Department, Panagal Building, Saidapet, Chennai - 15, in Na.Ka.No.21432/2009/K4, dated 31.08.2009, I find that it supports the case of the petitioner.

14. At the risk of repetition, however, for the sake of clarity, the admitted factual position is that the petitioner seeks regularisation based upon G.O.Ms.No.22 dated 28.02.2006, whereby cut off date was fixed as completion of 10 years of service as on 01.01.2006. According to the petitioner she was working as Computer Operator from 01.11.1995 and she has completed 10 years of service, her name has been recommended for regularisation, however, regularisation was not done. Again her request for regularisation on the application of G.O.Ms.No.22 dated 28.02.2006 was also rejected, on the primary ground that the petitioner was not sponsored by the Employment Exchange and now the official respondents have come forward with new case that her service records are not available to show that she was employed from 01.11.1995.

15(a). Additional typed set of papers have been filed by the learned Additional Government Pleader, whereby during the previous recommendation for regularisation of many people along with the petitioner, certain entries were



made by the Commissioner regarding her service. The communication as referred to above addressed by the third respondent to the second respondent disclosed that she has registered her name with Employment Exchange and she was sponsored by Employment Exchange and hence I find that the third respondent has taking lame excuses of missing of records.

15(b).The District Collector, Dharmapuri, who has addressed a letter to the Commissioner, District Panchayat Raj, Saidapet, Chennai, forwarding the petitioner's name and others, which indicates that the petitioner was appointed on 01.11.1995 as NMR, received the salary of Rs.4,800/- from the common fund of the Panchayat and hence, I find that the respondents are not placing the facts but seeking excuses that records are missing. However, the communication addressed by the third respondent to the second respondent as indicated above dated 31.08.2009 disclosed everything in favour of the petitioner.

16.From the typed set of papers, I find that the employment card of the petitioner issued by the District Employment Officer on 08.01.1992 is also filed and the same is reflected in the communication referred above between the R3 & R2 recommending regularisation of the petitioner assumes significance and the ground taken in the counter affidavit by the third respondent falls to ground.



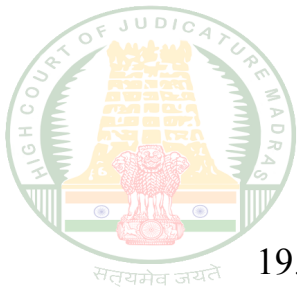
17(a). In the additional typed set of papers filed by the learned counsel for the petitioner, resolution passed by the Dharmapuri Panchayat Union dated 23.07.2003 and the subsequent communication of the District Collector dated 31.08.2009 & 09.06.2012 and letter of the Block Development Officer dated 14.06.2013 were found, which has substantiated the petitioner's case. In the additional typed set of papers M book for the period 1997-99 has also been filed, for which the 4th respondent has conveniently stated that old records are not available, however, this Court finds that it demonstrates that all the M-book for the said period 1997-1999 were duly signed by the respective Commissioner, Panchayat union, Dharmapuri.

17(b). In the additional typed set of papers filed by the learned counsel for the petitioner, the payment book for the period of 2001-2003 were also been filed to indicate that the petitioner received salary as mentioned therein and it was duly counter signed and the payment has been made by way of cheque also assumes significance. The extract of the resolution No.102(7) dated 23.07.2003 also been filed, to indicate that to employ a person on temporary position, necessary resolution has to be made in the concerned year. Letter to the Block Development Officer, Dharmapuri, dated 22.12.2008 was also been enclosed, wherein the name of the petitioner was included and it was signed by the Commissioner of Panchayat union, Dharmapuri along with counter signatures of the Surveyors.



17(c). In the additional typed set of papers filed by the learned counsel for the petitioner letter and annexures to Collector of Dharmapuri District, dated 31.08.2009 were also been filed by the petitioner, which throw more light and support to the case of the petitioner and the reliance is placed upon the learned counsel for the petitioner on the judgment of this Court dated 28.08.2019 in W.P.No.3595 of 2018, wherein with regard to similarly placed persons on daily wages application G.O. was confirmed and the same was upheld by this Court in W.A.No.3954 of 2019 on 01.11.2021, which was already referred above, with regard to Computer Operators, who are doing similar nature of work as that of the petitioner.

18. Hence, I find that the respondent has not placed any materials to support their case. However, the petitioner has filed all the documents to substantiate her case, which are duly signed by the respective officers and communication of the District Collector to the head office at Saidapet throws more light. The counter affidavit filed by the respondents are biased in nature and they are not placing records before this Court. On the contrary, the communication which was produced by the learned Government pleader between District Collector and Commissioner of Panchayat, supports the case of the petitioner. This Court appreciates the fairness exhibited by the learned Government Pleader, placing records, though it was pursuant to the judicial order passed by this Court on 25.02.2025.



19. On perusal of the records, I find that during the pendency of Writ Petition, this Court by order dated 05.08.2015 in MP.No.1 of 2015 has ordered for *status quo* and the official respondents appears to have filed W.M.P.No.3179 of 2016, to vacate the *status quo* order in which no order has been passed, however, the matter has been directed to be posted along with main Writ Petition and the petitioner still continues in service. Hence, I find that the plea of the petitioner has been reflected in the above said communication and I also find that G.O.(Ms).No.74 dated 27.06.2013 is also in her favour. She has completed 10 years of service within the cut off period.

20. In fine, this Writ Petition is allowed and the respondents are directed to comply with this order within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

25.04.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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WP No. 23712 of 2015



RMT.TEEKAA RAMAN J.

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To
1.The Secretary to the Government,
Rural Development and Panchayatraj Department,
Fort St. George, Chennai - 600 009

2.The Director,
Rural Development and Panchayatraj,
Saidapet, Chennai- 600 050

3.The District Collector,
Dharmapuri District, Dharmapuri

4.The Commissioner
Panchayat Union, Dharmapuri

**Pre delivery order made in
WP No. 23712 of 2015 and
WMP No. 3179 of 2016**

Dated: 25.04.2025