



WEB COPY



W.P.No.30249 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30249 of 2015

And

M.P.No.1 of 2015

1.The President,
Melmoil Panchayat,
Katpadi Taluk.

2.The Block Development Officer,
Block Development Office,
K.V.Kuppam,
Katpadi Taluk.

... Petitioners

Vs.

1.The Inspector of Labour,
Vellore District,
Vellore.

2.G.Balaraman
3.G.Rajasekar
4.Gengan
5.T.Ramesh

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in relating to the impugned order passed by the first respondent in Na.Ka.E/3450/2012 dated 20.03.2015 and quash the same.



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For Petitioners : Mr.R.Neelakandan
Additional Advocate General
Assisted By
Mr.M.Murali
Government Advocate

For Respondents : Mr.K.Surendran for R1
Additional Government Pleader
M/s.G.P.Arivuchudar for R2 to R5

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in Na.Ka.E/3450/2012 dated 20.03.2015 and quash the same.

2.Aggrieved by the order of the first respondent directing the petitioners to confer permanent status to the private respondents, this writ petition has been filed.

3.The learned Additional Advocate General appearing for the petitioners submitted that the first petitioner is the President of the Melmoil Panchayat and the second respondent is the Block Development Officer and they are competent to conduct this case. He further submitted that the private respondents were employed as over



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tank operators in the village panchayat on temporary basis and their job is also not perennial in nature and it is seasonal in nature i.e., morning – one hour and evening – one hour and they were not employed in eight hours duty. The private respondents filed petition seeking conferment of permanent status before the first respondent and passed the impugned order in their favour. He further submitted that the respondents 2, 3 and 5 are now working and receiving salary in terms of the Government Order issued by the Government of Tamil Nadu and the fourth respondent passed away and his son Raman is working in his place and he will be paid consolidated pay as per the Government Order issued by the Government of Tamil Nadu.

4.The learned counsel appearing for the respondents 2 to 5 submitted that the private respondents were appointed as pump operators by the President and the same was established before the first respondent, thereby the first respondent passed the impugned order in favour of respondents 2 to 5, which warrants no interference.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.The private respondents are employed as over tank operators in the village panchayat on temporary basis. The job of over tank operator is not perennial in nature and it is seasonal in nature i.e., morning – one hour and evening – one hour and not eight hours duty. Further, it appears that the respondents 2, 3 and 5 are now working and receiving salary in terms of the Government Order issued by the Government of Tamil Nadu and the fourth respondent passed away and his son Raman is working in his place and he will be paid consolidated pay as per the Government Order issued by the Government of Tamil Nadu.

7.In view of the above, the writ petition is allowed. The impugned order dated 20.03.2015 is set aside. The petitioners are directed to provide employment to the respondents 2, 3 and 5 and to pay salary in terms of the Government Order issued by the Government of Tamil Nadu and to provide employment for the fourth respondent's son and pay consolidated pay as per the Government Order issued by the Government of Tamil Nadu.



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8.The writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Inspector of Labour,
Vellore District,
Vellore.



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M.DHANDAPANI,J.
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