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W.P No.26008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Petition No.26008 of 2025

N.Rajarajan

... Petitioner

..Vs..

1.The Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St.George, Chennai – 600 009.

2.The Director,
Rural Development & Panchayat Raj,
Panagal Building, Saidapet,
Chennai – 600 015.

3.The District Collector,
Villupuram District,
Villupuram – 605 401.

4.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai – 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents to consider the petitioner in any suitable post in the existing vacancies available in the Villupuram District, by considering the order dated 22.12.2015 passed by this Court in W.P.No.4139 of 2015.



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W.P No.26008 of 2022

For Petitioner : Mr.R.Sampathkumar

For Respondents : Mr.N.Naveen Kumar,
Government Advocate
for RR1 to 3
Mr.P.J.Rishikesh,
Standing Counsel for TNPSC for R4

ORDER

The present writ petition has been filed seeking a mandamus directing the respondents to consider the petitioner in any suitable post in the existing vacancies available in the Villupuram District, in pursuance of the order of this Court in W.P.No.4139 of 2015 dated 22.12.2015.

2. The learned counsel for the petitioner submits that the petitioner, who is qualified Civil Engineer, was sponsored by the Employment Exchange for the post of Technical Assistants in Villupuram District and appeared for the written examination conducted by the Tamil Nadu Government in 2013. It is the further contention that the petitioner was selected and appointed as Technical Assistant during the year 2013. However, the petitioner was later removed from service without being issued any Show Cause Notice, that too, after he had crossed the age limit for eligibility for Government employment.



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The learned counsel for the petitioner further states that in this connection, the petitioner has filed W.P.Nos.4139 of 2015, wherein this Court directed the respondents to consider the petitioner for appointment to existing or future vacancies by granting age relaxation. It is also submitted that aggrieved by the said order, the respondents have moved Review Petitions which were subsequently dismissed.

2.1 The learned counsel for the petitioner invites the attention of this Court to the order in W.P.Nos.18580 & 21291 of 2023, wherein this Court directed the respondents to consider the petitioners for appointment to the post of Overseer within a period of twelve (12) weeks. The learned counsel further submits that the present petitioner is a similarly placed person with that of the petitioners in W.P. Nos.18580 & 21291 of 2023.

3. At this juncture, the learned Government Advocate appearing for the respondents 1 to 3 strongly objects to the above contention and submits that the petitioner was appointed under a scheme-based engagement, and that the scheme has since come to an end. Therefore, there is no question for continuing his employment with the respondents.



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4. I have given my anxious consideration to either side submissions and also perused the materials available on record.

5. At this juncture, with respect to a similarly placed person in W.P.Nos.18580 and 21291 of 2023, dated 24.04.2024, this Court passed the following order:

“COMMON ORDER

These Writ Petitions are filed directing the Secretary, Tamil Nadu Public Service Commission - the 4th respondent to appoint the petitioners by considering the order dated 22.12.2015 passed by this Court in W.P.Nos.4136 and 4144 of 2015 as the petitioners have already been selected in the written examination conducted by the Government of Tamil Nadu for the post notified under G.O.105 dated 09.11.2012 and notification in G.O.No.65 dated 03.07.2013.

2. The Writ Petitions were resisted by the respondents by filing a counter affidavit.

3. According to the learned counsel appearing on behalf of the petitioners, the petitioners participated in the selection process and were successful in the selection. Even thereafter the petitioners were not appointed, they approached this Court in W.P.Nos.4136 and 4144 of 2015. This Court had considered the case of the petitioner and that of the respondents and considering the special circumstances in which the petitioners had completed the Diploma in Civil Engineering during April 1991 and have undergone one year apprenticeship training in Civil Engineering and having been



WEB COPY



W.P No.26008 of 2023

appointed through employment exchange in the year 2013 and thereafter the services were terminated in the year 2014, allowed the Writ Petition on the following terms:-

“13. In view of my above finding, the writ petition is allowed on the following terms –

(a) the fifth respondent viz. District Employment exchange, Villupuram is directed to restore the seniority of the petitioner and

(b) the respondents are directed to consider the name of the petitioner for appointment in existing and future vacancies by giving necessary age relaxation, if he is otherwise qualified. No costs.”

4. Thus, it can be very clear that the respondents were directed to restore their seniority in the employment exchange of Villupuram, secondly, they were directed to consider the appointment of the petitioners, in the existing or a future vacancy by giving necessary age relaxation, if they are otherwise qualified. Therefore, it can be seen that as per the said order, the respondents ought to have restored the seniority and appointed the petitioners in the post of Overseer in the existing or a future vacancy.

5. The order was not immediately complied with, since the respondents seem to have filed review petitions. However, the said review petitions were kept pending. The petitioners also filed further Writ Petitions in W.P.Nos.35 and 135 of 2021 and this Court directed consideration of representation of the petitioner dated 23.11.2020.

6. Be that as it may, the rights of the parties have been determined inter se by the aforesaid order of this Court. Now the reason for non-compliance is stated in paragraph No.5 of the counter affidavit filed by the respondents in W.P.No.18580 of 2023. The said paragraph 5 is extracted hereunder:-



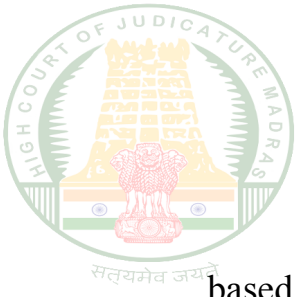
“5. It is submitted that for the para 5, in respect of Villupuram District 37 vacancies in the cadre of Overseer/Junior Draughting Officers are already filled in the year 2010 – 2011 through Employment Exchange by Direct Recruitment by following the “Employment Exchange Seniority-cum-Roaster” by calling for the list of names in the “Turn No.1 to 37” from the employment exchange and the eligible candidates lists to be called for from Turn No.38 for the future vacancies. While calling a list from Turn No.38, the name of the petitioner was not found in the employment list due to change of “Employment seniority-cum-roaster(Turn No.)”, and there is a hurdle to implement the Judgment of Hon'ble High Court in W.P.No.4136 of 2015. And the above recruitment process are cancelled due to administrative reasons.”

7. Therefore, if there is some hurdle to implement the orders of this Court, the respondents will not be justified in keeping quiet and treating the orders of the Court as a piece of paper. It has to be implemented in letter and spirit. Admittedly, the respondents filed review petitions, expressing their difficulty and ultimately the self same reason was considered in detail in the review petitions i.e., Rev.Aplw.Nos.61 to 72 of 2022 and by an order dated 09.02.2023, the said review petitions were dismissed. In that view of the matter, it is the lookout of the respondents as to how and in what manner they will implement the orders of this Court. They cannot sit on an appeal over the orders of this Court, despite of a positive direction.

8. In view thereof, the Writ Petitions are allowed on the following terms:-

(i) The respondents are directed to consider the case of the petitioners for appointment to the post of Overseer and accordingly appoint them to the said post within a period of 12 weeks from the date of receipt of a copy of this order;

(ii) No costs. Consequently, the connected miscellaneous petitions are closed.”



W.P No.26008 of 2025

WEB COPY

6. Though, it was construed that the petitioner's employment is Scheme based, in a similar writ petition which was filed by the similarly placed person, this Court directed them to appoint in the Overseer post. The above order is in the nature of *Judgment in rem*, and applicable to this petitioner under Article 14 of the Constitution of India. Therefore, in light of the orders passed by this Court in the aforementioned writ petitions, this Court deems it appropriate to allow the present writ petition on the following terms:

(i) The respondents 1 to 3 are directed to consider the case of the petitioner for appointment to the post of Overseer and accordingly appoint him to the said post within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

29.07.2025

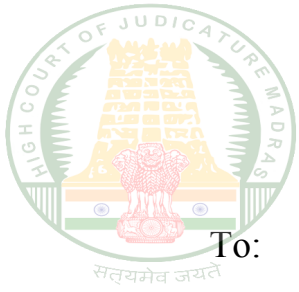
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Index : Yes

Speaking Order : Yes/No

Neutral Citation Case: Yes/No



W.P No.26008 of 2023

To:

WEB COPY

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W.P No.26008 of 2025

C.KUMARAPPAN, J.

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W.P.No.26008 of 2025

29.07.2025
(1/2)