



W.P.(MD)No.25680 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.25680 of 2019

Kannan

... Petitioner

Vs.

- 1.The Additional Principal Secretary to Government of
Tamil Nadu,
Department of Rural Development and Panchayat Department,
Secretariat, Chennai.
- 2.The Director,
Department of Rural Development and Panchayat,
Chennai.
- 3.The District Collector, Sivagangai District.
- 4.The Block Development Officer,
Office of the Panchayat Union,
Manamadurai,
Sivagangai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Letter No.8634/Pa.A5/2017-2, dated 09.03.2018 and quash the same as illegal and arbitrary and in consequence thereof direct the respondents to absorb petitioner's service as night watchman or Office Assistant in the office of fourth respondent.



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For Petitioner : Mr.P.Ganapathi Subramanian
For R1 to R3 : Mr.K.R.Badurus Zaman,
Government Advocate.
For R4 : Mr.M.Karuppasamy

ORDER

Under assail is the order dated 09.03.2018 passed by the first respondent rejecting the request of the petitioner for absorption of the service.

2.The case of the petitioner is that he completed ITI (Fitter) course in the year 1998-2000 and joined fitter Assistant in the office of the fourth respondent on 29.01.2001. He was appointed in the office of the fourth respondent on daily wages basis. Initially his pay was Rs.84/- per day and it was gradually increased and at present, he is receiving Rs. 378/- per day as wages. The petitioner sent a representation requesting the respondents to regularize his service and filed a writ petition in W.P. (MD)No.2888 of 2013. This Court, vide order dated 09.04.2014 directed the respondents to consider his representation. Subsequently, the first respondent, by the order impugned, rejected the request of the petitioner. Hence, this writ petition.



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3.The learned counsel appearing for the petitioner would submit that the order impugned came to be passed by relying upon the government order in G.O.Ms.No.55, Department of Rural and Development (P.A.5) dated 15.06.2006, wherein it has been stated that only those who are working from 1982 to 1997 were eligible for regularization and since the petitioner was appointed in the year 2001, his case was not considered for regularization. He would submit that the first respondent failed to appreciate the legal and factual aspects while passing the order impugned and no opportunity provided to the petitioner before passing the order and thus, violated the principles of natural justice.

4.Per contra, the learned Government Advocate appearing for the respondents 1 to 3 would submit that as per G.O.Ms.No.55, dated 15.06.2006, the persons, who working from 1982 to 01.04.1997 alone were eligible for regularization and the petitioner was appointed only in the year 2001 and he is not eligible for regularization. He would submit that till date the petitioner is working under the fourth respondent as daily wages alone.



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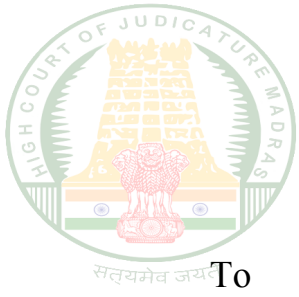
WEB COPY 5.This Court has considered the submissions made on either side and perused the available records.

6.It is not in dispute that the petitioner is working as Fitter Assistant on daily wages basis. A perusal of the order impugned shows that the persons, who working from 1983 to 1997, were eligible for regularization and since the petitioner was appointed in the year 2001, rejected the request for regularization. Therefore, this Court is of the view that there is no reason to interfere with the order impugned. This writ petition is devoid of merits and the same is liable to be dismissed.

7.In the result, this writ petition is dismissed. No costs.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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