

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.07.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.20317 OF 2015

M.Indumathi

[PETITIONER]

Vs

- 1 State of Tamil Nadu
Rep. by The Secretary
Municipal Administration and Water
Supply Department
Fort St. George, Chennai-600 009.
- 2 Director of Town Panchayats
Kuralagam, Chennai-108.
- 3 Thiruneermalai Town Panchayat
Rep. by the Executive Officer
Thiruneermalai, Kancheepuram District
Chennai-44.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents to regularize the service of the petitioner as a Sweeper with effect from 1/12/1999 in view of the order of the 3rd respondent dated 24.12.1998.

For Petitioner : Mrs.M.Srividhya

For Respondents : Mr.V.Jayaprakash Narayanan-R1 & R2
Special Govt. Pleader
Mr.RM.Muthukumaran - R3
Government Advocate

ORDER

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner was appointed as Sweeper in the third respondent Town Panchayat on 1.6.1990 on daily wage basis. She was brought to consolidated pay on 24.12.1998, by the order passed by the Town Panchayat with effect from 01.12.1998.

3.In the order dated 24.12.1998, bringing the petitioner as a consolidated employee from daily wage employee, it is stated that the petitioner would be regularised in service after one year on the appraisal of the work.

4. In the case of Sweeper, the appraisal could be made only as to whether there is any disciplinary proceedings pending against the said person and there cannot be any other appraisal. Furthermore, the Assistant Director (in charge) of Special Town Panchayats, Kancheepuram, addressed a letter dated 18.11.2014 to the Director, Special Town Panchayats, Chennai, recommending regularisation of the services with effect from the date 1.12.1999. However, the petitioner's service was regularised with effect from 23.6.2006. The petitioner has filed this Writ Petition seeking for a direction to regularise him from 1.12.1999, in lieu of the order of the third respondent in Na.Ka.No.2412/2004 dated 18.11.2004 and the recommendation of the Assistant Director (incharge), Special Town Panchayats, Kancheepuram and also as per G.O.Ms.No.199, Municipal Administration and Water Supply Department dated 12.08.1997.

5. In these circumstances, the second respondent is directed to consider the claim of the petitioner for regularisation with effect from 1.12.1999, in the light of the facts as mentioned above, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rpa

To

- 1 State of Tamil Nadu
Rep. by The Secretary
Municipal Administration and Water
Supply Department
Fort St. George, Chennai-600 009.
- 2 Director of Town Panchayats
Kuralagam, Chennai-108.
- 3 The Executive Officer
Thiruneermalai Town Panchayat
Thiruneermalai, Kancheepuram District
Chennai-44.

1 cc to Government Pleader, Sr. 34756

1 cc to Mr.M. Srividhya, Advocate, Sr. 34850

W.P.No.20317 of 2015