

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.27369 and 27370 of 2015

V.Paulraj ...Petitioner in W.P.No.27369 of 2015

R.H.Jeyaraj ...Petitioner in W.P.No.27370 of 2015

vs

1. State represented by
Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai 600 009

2. The Director of Town Panchayat
Kuralagam, 4th Floor
Chennai 600 108

...Respondents in both WPs

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to pass appropriate orders for promoting the petitioners to the post of Selection Grade Executive Officer on par with the juniors to the petitioners by fixing the seniority of the petitioners by reckoning the services from the date of initial appointment to the post of Bill Collector on 2.7.1991, in the light of the order of regularization issued by G.O.Ms.No.147, Municipal Administration and Water Supply Department, dated 5.10.2013, with all consequential and other attendant benefits including payment of salary with interest, by considering the representation submitted by the petitioner dated 15.5.2015, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Subbiah
Special Government Pleader

COMMON ORDER

By consent, both the writ petitions are taken up for final disposal.

2.The petitioner in W.P.No.27369/2015 would state that he was appointed as a Bill Collector in the Town Panchayat service through Employment Exchange on 3.7.1991. The petitioner in W.P.No.27370/2015 claims that he was appointed as a Bill Collector in the same service on 2.7.1991. Both the petitioners would further state that their services were regularised from the date of initial appointment and the post of Bill Collector in the Town Panchayat services was provincialised in terms of G.O.Ms.No.800, Rural Development Department, dated 16.12.1988, and subsequently, as per G.O.Ms.No.300, Personnel and Administrative Reforms Department, dated 28.8.1992, the Special Rules for Ministerial Services were amended with retrospective effect and thereafter, the said Rule came to be amended as per G.O.Ms.No.62, Municipal Administration and Water Supply Department, dated 18.4.2009, bringing all categories of Executive Officer in Town Panchayat service under State Unit, and the Government has also issued orders in G.O.Ms.No.107, Municipal Administration and Water Supply Department, dated 22.11.2012, bringing the post of Assistant/Head Clerk in Town Panchayat services into State Unit from the District Unit.

3.The grievance expressed by the petitioners, is that in the tentative seniority list issued by the second respondent on 28.3.2013, their names were not included and in this regard, they had filed W.P.No.17896/2013 for regularization of the services and inclusion of their names in the State Level Seniority List and an order was passed on 2.7.2013, and though the first respondent has issued orders in G.O.Ms.No.147, Municipal Administration and Water Supply Department, dated 5.10.2013, regularising the services of the petitioners in the post of Bill Collector in the Town Panchayat services from the date of initial appointment, their names were not included in the State Level Seniority List and therefore, they were constrained to file W.P.No.33332/2013 and vide order dated 11.12.2013, this Court has directed the Government to take into consideration G.O.Ms.No.147 dated 5.10.2013, and pass appropriate orders, and however, in spite of the said orders, the names of the petitioners have been included only for the year 2009-2010 and in this regard, they have submitted individual representations dated 15.5.2015, to the first respondent and since no orders have been passed, came forward to file these writ petitions.

4.Heard the submissions of the learned Counsel appearing for the petitioners, and Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents.

5.Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider the petitioners' individual representations dated 15.5.2015, in accordance with law and pass orders thereon within a period of ten weeks from the date of receipt of a copy of

this order and communicate the decision taken, to the respective petitioners. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai 600 009
2. The Director of Town Panchayat
Kuralagam, 4th Floor
Chennai 600 108

2 CCs to Mr.G.Sankaran, Advocate SR.No. 47163

1 CC to the Government Pleader, SR.No. 47273

W.P.Nos.27369 and 27370 of 2015

KU (CO)
PSI (18.09.2015)

सत्यमेव जयते

WEB COPY