

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27904 of 2015

and

M.P.No.1 of 2015

P.Christopher

[Petitioner]

Vs

- 1 The State of Tamilnadu
rep. by its Secretary
Municipal Administration & Water Supply Department
Fort St. George Chennai-9
- 2 The Director of Town Panchayat
Kuralagam Chennai-108
- 3 The District Collector
Kanyakumari District Nagarkoil
- 4 The Executive Officer
Pudukkadai Town Panchayat Pudukkadai
Kanyakumari District

[Respondents]

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents their men and agents to consider the request of the petitioner for his absorption against the vacancy that arose on the retirement of one Thangamani in the 4th respondent office in view of his service for more than 10 years in the light of the judgment of this High Court (MD) dated 16.4.2012 in W.P.(MD) No.12874 of 2011.

For Petitioner : Mr.R.Singaravelan for
Ms.M.Srividhya

For Respondents : Mr.V.Subbiah, Spl. G.P.

O R D E R

Heard the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition is filed for the issuance of a Writ of mandamus directing the respondents, their men and agents, to consider the request of the petitioner for his absorption against the vacancy that arose on the retirement of one Thangamani in the 4th respondent office, in view of his service for more than 10 years, in the light of the judgment of this High Court (MD) dated 16.4.2012 in W.P.(MD) No.12874 of 2011.

3. The petitioner was engaged as a Water Supply Assistant by the 4th respondent on a consolidated pay from 04.04.1997 to 17.10.2006. Thereafter, he was not engaged in service, although many other persons have been engaged. His request for regularization was not acceded to, which is against the law laid down by this Court in W.P.(MD)No.12874 of 2011 dated 16.04.2012. Hence, the petitioner is before this Court.

4. Learned counsel for the petitioner would submit that since the request of regularization of the petitioner was not acceded to, the petitioner filed original application before the Tamil Nadu Administrative Tribunal, which came to be transferred to this Court and by order dated 13.02.2006, this Court disposed of the same, by advising the petitioner to make a further representation to consider his case. Accordingly, the petitioner filed a representation, which was rejected by the respondents. Challenging the said rejection order, the petitioner filed a writ petition in W.P.No.22142 of 2008 before this Court and the learned single Judge also dismissed the same in view of G.O.Ms.No.125 dated 27.05.1999, which stipulated that those who are appointed on daily wage basis before 31.12.1996 only can be observed in consolidated pay and their services will be regularized. However, the Madurai Bench of this Court, in W.P.(MD) NO.12874 of 2011 has allowed the plea of daily rated employees for regularization who had rendered more than 10 years, relying on several other earlier decisions of this Court. Hence, the petitioner has come before this Court with the above prayer.

5. The petitioner seeks absorption of service in the regular vacancy. To that effect, ultimately, he submitted a representation to the respondents. The learned counsel for the petitioner submitted that the representation of the petitioner to this effect dated

31.07.2015 may be directed to be considered within a reasonable time, for which, the learned Special Government Pleader submitted that eight weeks time may be granted to the 2nd respondent to dispose of the representation of the petitioner dated 31.07.2015.

6. In view of the same, this writ petition is disposed of by directing the 2nd respondent to dispose of the representation of the petitioner dated 31.07.2015, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The State of Tamilnadu
rep. by its Secretary
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Kanyakumari District

1 CC to Ms.M.Srividhya, Advocate SR.No. 48441

1 CC to the Government Pleader, SR.No. 48605

W.P.No.27904 of 2015

EV (CO)
PSI (23.09.2015)