

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32682 of 2015

D.Aruldass

... Petitioner

Vs.

- 1 The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George, Chennai 9.
 - 2 The Commissioner of Municipal
Administration, Chepauk, Chennai 5.
 - 3 The Regional Director of
Municipal Administration, Kagithapattarai,
Sarathy Nagar, Vellore District.
 - 4 The Commissioner,
Vellore City Municipal Corporation,
Vellore District.
- Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider and pass orders on the petitioners representation dt 7.8.2015 made by the petitioner regarding regularizations of service from the date of completion of three years of service in the post of Sanitary Worker and to pay arrears from 1995 to 2001 within the time to be stipulated by this Honourable Court.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.S.Gunasekaran for R1 to R3
Government Advocate
Mrs.P.Shanthi for R4

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner at present is working as Sanitary Worker in the services of the Vellore City Municipal Corporation and as per G.O.No.528 of Personnel and Administrative Reforms Department dated 10.10.1988, persons who have completed three years of service on consolidated pay in any Government Organization are eligible to be brought into regular time scale of pay. According to the petitioner though his services were regularised on completion of three years on consolidated pay, he was brought into time scale of pay only in the year 2001 and consequently, he is losing very many years of services including pension and monetary benefits from 1995 to 2001.

3.The petitioner would further submit that he has also passed SSLC and he was given promotion on 30.06.2006 as Driver but on account of the non-regularization, he has been put to grave hardship and loss of service benefits and in this regard has submitted representation dated 07.08.2015 to the fourth respondent and since no orders have been passed, came forward to file this writ petition.

4.Mr.R.Chandrasekaran, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 11.10.2013 made in W.P.No.34083 of 2002 and would submit that in similar facts and circumstances, this Court has directed the respondents therein to regularise the services of the petitioners therein in terms of the Government Order and hence, prays for appropriate relief.

5.This Court also heard the submissions of S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 to 3 and Mrs.P.Shanthi, learned counsel who accepts notice on behalf of the fourth respondent.

6.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the fourth respondent to consider and dispose of the petitioner's representation dated 07.08.2015 on merits and in accordance with law after taking note of the Government Order in G.O.Ms.No.71 Municipal Administration and Water Supply Department dated 05.05.1998 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George, Chennai 9.
- 2 The Commissioner of Municipal
Administration, Chepauk, Chennai 5.
- 3 The Regional Director of
Municipal Administration, Kagithapattarai,
Sarathy Nagar, Vellore District.
- 4 The Commissioner,
Vellore City Municipal Corporation,
Vellore District.

+1 cc to Mrs.P.Santhi, Advocate, sr.56187
+1 cc to R.Chandrasekar, Advocate, sr.56161

cnr co
kra 26/10

W.P.No.32682 of 2015



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