

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34717/2015

Sivagami

..Petitioner

Vs

- 1.The Secretary to Government,
Municipal Asministration and
Water Supply Department,
Fort St. George,
Chennai-09.
- 2.The Director of Town Panchayat,
Kuralagam,
Chennai-108.
- 3.The Assistant Director of Town Panchayat,
Coimbatore Region,
Coimbatore District.
- 4.The Assistant Director of Town Panchayat,
Erode Region, Drode District.
- 5.The Assistant Director of Town Panchayat,
Tiruppur,
Tiruppur District.
- 6.The Executive Officer,
Komaralingam Town Panchayat,
Coimbatore District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 28.10.2014 regarding to extend the benefit of the G.O.Ms.No.570, Municipal Administration and Water Supply Department dated 15.11.2010 to bring the petitioner's husband Muthusamy into regular time scale of pay from the date of completion of the 3 years of service in the consoilidated pay i.e., (01.07.2001) in the light of G.O.Ms.No.198, Municipal Administration and Water Supply Department dated 26.10.1998 and the orders of this Hon'ble High Court passed in W.P.No.25620 of 2006 dated 17.09.2008 and the judgment of Division Bench dated 23.06.2010 passed in W.A.No.47 of 2010 and also requested the 50% of the Contingency service from 01.02.1988 to 30.06.1998 may be

counted for calculating the pensionable service and pay arrears of family pension and in the light of the orders issued in G.O.Ms.(2D)No.29, School Education (R1) Department dated 29.06.2011 and G.O.(D).No.114, Health and Family Welfare (AB1) Department dated 09.02.2012 with all service and monetary benefits.

For Petitioner : Mr.A.Baskaran
For Respondents : Mr.V.Subbiah,
Spl.GP for RR1 to 5
Mr.ERA Premnath, GA for R6

ORDER

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

2 The petitioner's husband was initially appointed as Tank Operator on daily wage basis on 01.02.1988 vide proceedings of the 5th respondent and the Assistant Director of Town Panchayat, Coimbatore, vide proceedings dated 17.07.2000 has directed the 5th respondent to fill up the vacant post of Tank Operator in accordance with norms and accordingly, a proposal was also mooted out, which included the name of the petitioner's husband. Pending consideration of the said proposal, the 1st respondent has issued G.O.Ms.No.198 dated 26.10.1998, giving instructions for regularisation of employees who are working on consolidated pay as on 31.10.2008 and who had put in three years of service. Accordingly, a list of eligible candidates have been sent and the husband of the petitioner has also submitted a representation in that regard and since no orders have been passed, he filed WP.No.6727/2009 and it was disposed of on 17.06.2009. But the said order was not implemented and hence, the petitioner's husband filed a contempt petition and thereafter only, the original request made by the petitioner's husband was rejected. The petitioner's husband died on 08.07.2011. The grievance expressed by the petitioner is that in respect of similarly placed persons, pursuant to various orders passed by this Court, especially the order dated 17.09.2008, made in WP.No.25620/2006 [C.KITTUSAMY AND OTHERS Vs. STATE OF TAMIL NADU and OTHERS] and the judgment dated 23.06.2010 made in WA.Nos.47 and 385/2010 [STATE OF TAMILNADU AND OTHERS Vs. C.KITTUSAMY AND OTHERS], 50% of the contingency service rendered by them from 01.02.1988 to 30.06.1998 is to be taken into account for calculating the pensionary and other terminal benefits. In this regard, the petitioner has submitted a representation dated 28.10.2014 followed by a reminder dated 15.12.2014 and since no orders have been passed, she came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and Mr.ERA Premnath, learned Government Advocate who accepts notice on behalf of the 4th respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 28.10.2014 as well as the reminder dated 15.12.2014 on merits and in accordance with law 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-09.
- 2.The Director of Town Panchayat,
Kuralagam, Chennai-108.
- 3.The Assistant Director of Town Panchayat,
Coimbatore Region, Coimbatore District.
- 4.The Assistant Director of Town Panchayat,
Erode Region, Erode District.
- 5.The Assistant Director of Town Panchayat,
Tiruppur, Tiruppur District.
- 6.The Executive Officer,
Komaralingam Town Panchayat,
Coimbatore District.

+ 1 cc to Mr.A.Baskaran, Advocate Sr.59356

+ 1 CC TO THE GOVT.PLEADER, SR 60040 (5/1/16)

W.P.No.34717/2015

SV(CO)

EU 17.11.15

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