

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35403 of 2015

R.Gopalakrishnan

.. Petitioner

vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Commissioner/the Block Development Officer,
Jolarpettai Panchayat Union,
Jolarpettai, Vellore District. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pass appropriate orders on the proposal forward by the 2nd respondent in Na.Ka.No.A3/4380/2009 dated 19.1.2010 for appointment of the petitioner in the post of Masalchi or in any other vacancy in the office of 2nd respondent, within a time frame.

For petitioner : Mr.G.Sankaran
For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed seeking for a Writ of Mandamus to direct the first respondent to pass appropriate orders on the proposal forward by the 2nd respondent in Na.Ka.No.A3/4380/2009 dated 19.1.2010 for appointment of the petitioner in the post of Masalchi or in any other vacancy in the office of 2nd respondent.

3. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner was working as a Fitter Assistant in Jolarpettai Panchayat Union for the purpose of maintenance of Hand Pumps on a temporary basis as per the proceedings of the Commissioner, Jolarpettai Panchayat Union in

Na.Ka.No.2651/98 dated 10.06.1998. Subsequently, he was terminated from service as per the order dated 11.9.2000 issued by the 2nd respondent. Aggrieved over the said order, he filed an Original Application in O.A.No.150 of 2001 before the Tamil Nadu Administrative Tribunal wherein an order of interim stay was granted and he was allowed to continue in service. Eventually, the Original Application was dismissed on 19.11.2003. Consequently, the petitioner was terminated from service on 17.8.2004. The petitioner challenged the said order in W.P.No.24181 of 2004 and in view of the interims stay, he was permitted to work. While the Writ Petition was pending, the Government issued an order in G.O.Ms.No.55 RD&LA Department, dated 15.06.2006 regularising the Fitter Assistant appointed on daily wages from the year 1982 to 01.04.1997 and permitting the Fitter Assistants appointed after 01.04.1997 to continue on daily wages. Since the petitioner was appointed on 10.6.1998, he should be allowed to continue in service on daily wages. Despite the order, he was terminated from service on 2.5.1999.

4. The learned counsel appearing for the petitioner would submit that the petitioner made a representation to the respondents seeking to appoint him in any of the post in the Panchayat Union, and based on the request of the petitioner, the Panchayat Union Council passed a Resolution No.623 dated 14.10.2009 appointing the petitioner in the post of Masalchi in the existing vacancy. Accordingly, the second respondent has forwarded the proposal to the first respondent in his proceedings Na.Ka.No.A3/4380/2009 dated 19.1.2010. So far, it was not considered by the first respondent favourably. Hence the Writ Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider and pass orders on the proposal forwarded by the 2nd respondent in Na.Ka.No.A3/4380/2009 dated 19.1.2010, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

asvm

To

1.The District Collector,
Vellore District,
Vellore.

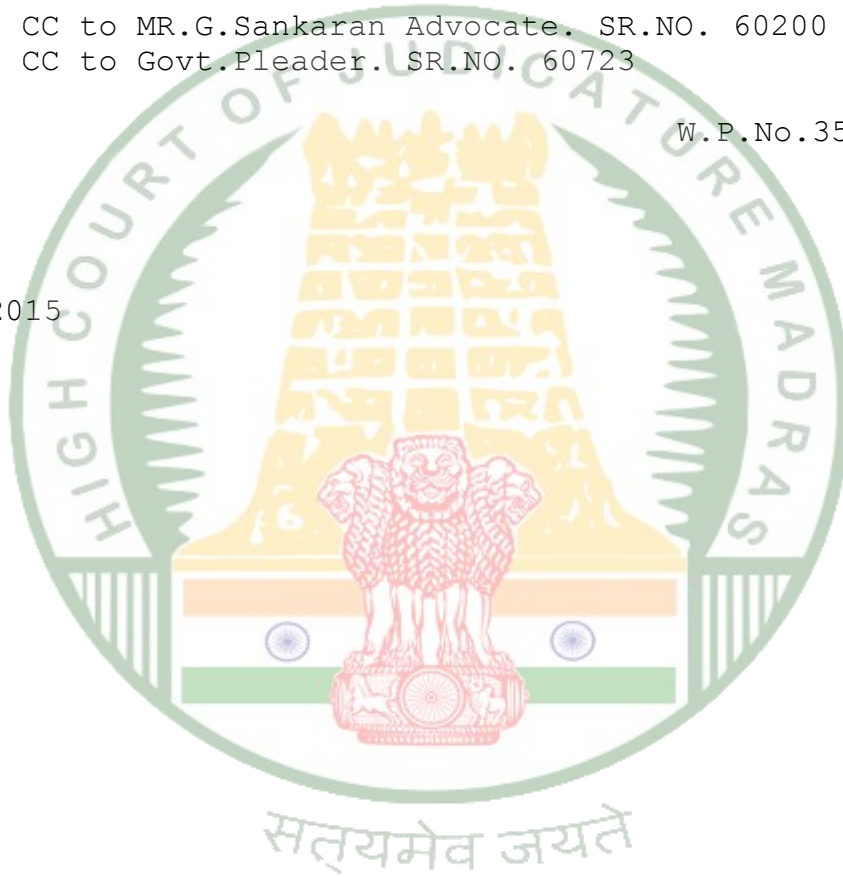
2.The Commissioner/the Block Development Officer,
Jolarpettai Panchayat Union,
Jolarpettai, Vellore District.

+1 CC to MR.G.Sankaran Advocate. SR.NO. 60200

+1 CC to Govt.Pleader. SR.NO. 60723

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CO-KGK
JD 20/11/2015



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