

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38613 of 2015

Mr.P.S.Kumar

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Municipal Administration and
Water Supply (Town Panchayats) Fort St.
George Chennai-9.
 - 2 The Director of Town
Panchayats Directorate of Town Panchayats
Kuralagam Chennai-108.
 - 3 The Assistant Director of
Town Panchayat Nagercoil Kanyakumari
District.
 - 4 The District Collector
Nagercoil Kanyakumari District.
 - 5 The Exectutive Officer
Palapallam Town Panchayat Palapallam
Kanyakumari District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to include the petitioner name in the Panel List for the Post of Overseer from Skilled Assistant Grade-II by considering the petitioner representation dated 26.10.2015.

For Petitioner : Mr.S.Ganesh
For R1 to R4 : Mr. S.Gunasekaran Govt. Advocate.
For R5 : Ms.SriJayanthi

O R D E R

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

2. The case of the petitioner is that he was appointed as a plumber in Manavalakurichy Town Panchayat in the year 1995 and subsequently, as per G.O.Ms.No.60 dated 23.06.2006, his service was regularised and he was brought under time scale of pay.

3. The petitioner would further state that while he was working in Palapallam Town Panchayat, he was placed under suspension on 31.01.2014 and subsequently, the suspension order was revoked and he joined service on 21.05.2014. As per the order passed in W.A.(MD).No.1136 of 2013 (batch), the first respondent sent a communication to the Executive Officers of all the Town Panchayats to sent service particulars of Skilled Assistant Grade I & II enabling to prepare a panel list of overseer. Since disciplinary proceedings were pending against him, the fifth respondent dropped his name.

4. The petitioner would further state that the petitioner was issued with a charge memo and after enquiry, disciplinary authority held that charges 1 to 5 and 8 are not proved. For charges 6,7 and 9, a strict warning was issued against him and as on today, there is no disciplinary proceedings pending against him. Therefore, he is now eligible for the post of Overseer and he made a representation on 26.10.2015 to the second respondent to include his name in the panel list for the post of Overseer. Since the same was not considered, the petitioner is before this Court.

5. Heard the submissions of Mr. S.Ganesh, the learned counsel appearing for the petitioner and Mr. S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents and also Ms. SriJayanthi, the learned counsel appearing on behalf of fifth respondent.

6. Though the petitioner prayed for a larger relief, this Court without going into the merits of the case, directs the second respondent to consider and dispose of the representation dated 26.10.2015 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.

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

-Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kua

To

- 1 The Secretary to Government
State of Tamil Nadu
Department of Municipal Administration and
Water Supply (Town Panchayats) Fort St.
George Chennai-9.
- 2 The Director of Town
Panchayats Directorate of Town Panchayats
Kuralagam Chennai-108.
- 3 The Assistant Director of
Town Panchayat Nagercoil Kanyakumari
District.
- 4 The District Collector
Nagercoil Kanyakumari District.
- 5 The Exectutive Officer
Palapallam Town Panchayat Palapallam
Kanyakumari District.

+1 cc to M/s.S.Ganesh Advocate sr.63820
+1 cc to Government pleader High Court Madras-104
sr.65946

W.P.No.38613 of 2015

aa15/12/2015