

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.9862 of 2015

A.H.Mani

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary to
Government,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Commissioner Municipal Administration,
Chepauk, Chennai 600 005.

3. The Commissioner,
Uthagamandalam Municipality,
The Nilgiris District.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 22.01.2015 and 24.03.2015 for payment of overtime allowances (OT) for the over time worked by the petitioner as recorded, from the year 2008 onwards along with interest for belated payment within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader for R3

Mr.K.V.Dhanalapalan,
Addl. Govt. Pleader for RR 1 and 2

ORDER

With the consent of both sides, this writ petition itself is taken up for final disposal.

2. According to the petitioner, he was an Electrician in the respondent Municipality and he worked in the Pumping Station Headworks at Parsan Valley on daily wages. He was granted regularization of service from 15.05.2006. The petitioner states that he worked for at least 12 hours a day in the Pumping Station and sometimes it goes up to 18 hours. He also worked even during holidays or festival days.

3. The petitioner relied on the proceedings of the Director of Municipal Administration dated 30.03.1989 directing the respective Municipal Commissioners to consider the sanctioning of overtime allowances of water supply and other staff. He also relied on the resolution of the third respondent Municipality No.4723, dated 28.10.2008 relating to grant of overtime allowances. He also brought to the notice of this Court about the proceedings dated 30.12.2008 in Na.Ka.No.E1/17123/2008 issued by the third respondent relating to seeking certain particulars for granting overtime allowances to staff, including the petitioner, for the month of November 2008.

4. The petitioner has given representations including the representations dated 22.01.2015 and 24.03.2015 seeking to grant him overtime allowances. According to him, he is entitled to overtime allowances for the overtime work done, as per the proceedings of the second respondent as well as the resolution of the third respondent Municipality.

5. The learned counsel for the petitioner has submitted that the third respondent may be directed to dispose of the petitioner's representations.

6. In view of the submission of the learned counsel for the petitioner, without expressing anything on merits, the third respondent is directed to consider the petitioner's representations dated 22.01.2015 and 24.03.2015 relating to payment of overtime allowances to the petitioner, as per their records, and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg

To

1. The Principal Secretary,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner Municipal Administration,
Chepauk, Chennai 600 005.
3. The Commissioner,
Uthagamandalam Municipality,
The Nilgiris District.

+ 1 cc to Mr. G. Sankaran, Advocate SR.18872

+ 1 cc Government Pleader Sr.19122

GJ(CO)
EU 23.04.2015

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