

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14691 of 2012

K.Manmadan

...Petitioner

vs.

1. The District Collector,
Thiruvallur.
2. The Block Development Officer,
Poondi.
3. The Secretary to Govt.,
Environment & Forest Department,
Fort St. George, Chennai-9.
4. The Principal Chief Conservator of Forest,
Chennai.
5. The Secretary to Govt. of Tamilnadu,
Rural Development and Panchayat Raj Dept.,
Fort St. George, Chennai-9.

...Respondents

[R3 & R4 impleaded vide order dt.24.7.2012
in MP 1/2012]

[R5 impleaded suo motu, as per order dt.13.10.2015]

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 2nd respondent to appoint the petitioner as Night Watchman, pursuant to the order issued by the 1st respondent in Na.Ka.No.9936/2010/BT1, dated 24.12.2011.

For petitioner : Mr.S.Ilamvaludhi

For respondents : Mr.R.Ravichandran, AGP.

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. Though the prayer is for a larger relief, the learned counsel appearing on behalf of the petitioner had submitted that it would suffice, if this Court passes an order directing the 5th respondent to consider the proposal of the District Collector, Thiruvallur, vide letter, in Rc.No.9936/2010/PD1, dated 16.5.2011, as stated in paragraph Nos.6 and 9 of the counter affidavit filed on behalf of the 1st respondent, dated 6.12.2012.

3. Paragraphs 6 and 9 of the counter affidavit filed on behalf of the 1st respondent, dated 6.12.2012, read as follows:-

"6. In the meanwhile, necessary proposals has also been sent to the Government, Rural Development And Panchayat Raj, Chennai-9 through the Commissioner of Rural Development Department, Chennai-15 by the District Collector, Tiruvallur vide his letter Rc.No.9936/2010/PD1, dated 16.5.2011 [copy enclosed] to give clarifications to regularize the same of the petitioner.

9. The petitioner was not joined in the Coimbatore District. But he claimed Night Watchman post in this District for his further service regularization. In this regard, necessary proposal has already been sent to the Secretary, Rural Development and Panchayat Raj Department by the District Collector, Tiruvallur to obtain clarification for the service regularization of the petitioner."

4. The learned counsel appearing on behalf of respondents has no objection for such an order being passed by this Court.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, the 5th respondent is directed to pass orders, considering the proposal of the District Collector, Thiruvallur, vide letter, in Rc.No.9936/2010/PD1, dated 16.5.2011, within a period of twelve weeks from the date of receipt of a copy of this order, if no order had been passed, till date, after giving an opportunity of hearing to the petitioner, as well as the other persons concerned, if any. The petitioner is directed to furnish a copy of the proposal of the District Collector, Thiruvallur, vide letter, in Rc.No.9936/2010/PD1, dated 16.5.2011, to the 5th respondent, along with a copy of this order. However, it is made

clear that this Court, by this order, has not expressed any opinion on the merits of the matter.

6. Accordingly, the Writ Petition is disposed of, with the above directions. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

gs.

To

1. The District Collector,
Thiruvallur.
2. The Block Development Officer,
Poondi.
3. The Secretary to Govt.,
Environment & Forest Department,
Fort St. George, Chennai-9.
4. The Principal Chief Conservator of Forest,
Chennai.
5. The Secretary to Govt. of Tamilnadu,
Rural Development and Panchayat Raj Dept.,
Fort St. George, Chennai-9.

1 CC to Mr.S.Ilamvaludhi, Advocate SR.No. 56292

1 CC to Spl. Government Pleader (Forest), SR.No. 56154

1 CC to the Government Pleader, SR.No. 56826

WP 14691 of 2012

BVR (CO)
PSI (08.12.2015)