



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2015

Coram

WEB COPY

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 17626 of 2015

P. Muthupandi

: Petitioner

vs.

1. The Municipal Administration and Water Supply
Commissioner Office,
Madurai District, Madurai.

2. The Commissioner,
Madurai Corporation
Madurai, Madurai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, by directing the respondents to issue a direction by considering the petitioner's seniority and priority may be given in the selection list by adding the petitioner's name for the post of permanent sweeper in the Madurai Corporation.

For Petitioner : Ms. V. Jeyarani

For Respondent-1 : Mr. K. P. Krishnadoss
Govt. Advocate

For Respondent-2 : Mr. T. S. Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

The learned counsel appearing for the petitioner requested this Court to delete the first respondent, as he is not a necessary party. Accepting his request, the first respondent is deleted.

2. Mr. K. P. Krishnadoss, learned Government Advocate takes notice for the 1st respondent and Mr. T. S. Mohammed Mohideen, learned Additional Government Pleader takes notice for the 2nd respondent. By consent, the writ petition itself is taken up for disposal.

3. The petitioner Mr. P. E. Muthupandi, who was appointed as a Sweeper in Madurai Corporation in the year 2006, on contract basis subsequently, appointed on daily wages basis and his salary was also drawn from the Canara Bank in Account No. 90741 every month and he has registered his name as a sweeper in Madurai Corporation from 23.05.2005 and continuously in employment i.e., more than 10 years,



without any blemish, has come to this Court seeking a Mandamus directing the first respondent to issue a direction to consider his seniority to be included in the selection list for the post of permanent sweeper in Madurai Corporation

4. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, who took notice for the 2nd respondent, submitted before this Court that the petitioner has not till date made any representation whatsoever to the Commissioner, Madurai Corporation, Madurai, the 2nd respondent herein. A reading of the affidavit also shows that the petitioner has not made any representation to the 2nd respondent to include his name as a permanent sweeper in the Madurai Corporation. Secondly, the 2nd respondent has already sent a proposal on 08.09.2014, for absorption and regularization of the sweepers, who are working on regular basis. If the petitioner gives any representation, on the basis of the records, the 2nd respondent would be in a position to consider his case, to be included in the selection list for the post of permanent sweeper in Madurai Corporation.

5. This Court, agreeing with the statement made by the learned Additional Government Pleader, directs the petitioner to give a fresh representation to the Commissioner, Madurai Corporation, Madurai, the 2nd respondent herein, within a period of one week from the date of receipt of a copy of this Order. If any such representation is made, the Commissioner, Madurai Corporation, Madurai, the 2nd respondent herein, is directed to consider the same on merits.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Municipal Administration and Water Supply
Commissioner Office, Madurai District, Madurai.

2.The Commissioner, Madurai Corporation
Madurai, Madurai District.

+One cc to Mr.T.S.Mohamed Mohideen, Advocate, SR.No.57642

+One cc to M/s.V.Jeyarani, Advocate, SR.No.57598

mpk

RL/5 c- 27/10/2015

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