

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.1791 of 2016

A.Sivanpillai

... Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director of Town Panchayats,
Kuralagam,
Chennai 600 108.
3. The District Collector,
Collectorate Nagercoil,
Kanyakumari District-629001
4. The Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
Chennai-600 003

... Respondents

PRAYER : Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to pass appropriate orders for regularization of service of the Petitioner in the post of Bill Collector from the date of promotion on 03/06/1994 with all consequential and other service benefits like awarding of Selection Grade and Special Grade etc by considering the representation submitted by the petitioner dated 09/12/2014 in the light of the orders passed in similarly placed persons G.O.Ms.No.147 MAWS (TP-I) Department dated 05/10/2013 with all consequential benefits including payment of arrears of salary along with interest within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.Srinivasan (R1 to R3)
Additional Government Pleader
Ms.C.N.G.Niraimathi (R4)

O R D E R

By consent, this Writ Petition is taken up for final disposal at the time of admission itself.

2. According to the petitioner, he was appointed as Record Clerk in Kappiarai Town Panchayat, Kanyakumari District on 22.02.1982 on compassionate ground. Subsequently, his services was regularised. After lapse of 12 years, he was promoted as Bill Collector by the proceedings of the third respondent dated 07.05.1994.

3. Though the services of other similarly placed persons were regularised by the first respondent by issuing G.O.Ms.No.147 MAWS dated 05.10.2013, by relaxing relevant rules, the petitioner's services were not regularised. Therefore, he made repeated representations to the respondents through proper channel seeking to regularize the services of the petitioner in the post of Bill Collector.

4. The petitioner further states that the second respondent has forwarded the proposal to the first respondent vide proceedings, dated 27.12.2006, for obtaining concurrence from Tamil Nadu Public Service Commission. But, there is no progress. Therefore, the petitioner made several representations on 23.01.2014, 27.06.2014 and 14.07.2014. Since, no order has been passed till date, the present Writ Petition has been filed.

5. Heard the submissions of Mr.G.Sankaran learned counsel for the petitioner, Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Ms.C.N.G.Niraimathi learned counsel who accepts on behalf of the fourth respondent.

6. This Court, considering the facts and circumstances of the case, without going into the merits, directs the first respondent to consider the representation of the petitioner dated 09.12.2014 and pass orders on merits and in accordance with law, taking into consideration G.O.Ms. 147 MAWS Department dated 05.10.2013, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arr/sms

To

1. The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director of Town Panchayats,
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3. The District Collector,
Collectorate Nagercoil,
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4. The Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
Chennai-600 003

+1cc to Mr.G.Sankaran, Advocate, S.R.No.3178
+1cc to the Government Pleader, S.R.No.3352

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KJI (CO)
CA(02/02/2016)

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