

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8762 of 2011

H.Chakkarapani

... Petitioner

Versus

1. Government of Tamilnadu
rep. by its Secretary
Municipal Administration and Water
Supply and Drainage,
Fort St. George, Chennai 600 009.
2. Chairman cum Managing Director
Tamilnadu Water Supply and Drainage Board
Chepauk, Chennai 600 005.
3. The Executive Engineer
Tamilnadu Water Supply and Drainage Board
Maintenance Division,
5th Street, Gandhi Nagar
Thiruvannamalai 606 601.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to regularise the service of petitioner in Grade-I Fitter post retrospectively from his date of appointment i.e., 04.04.1997 and further direct the respondents to fix the petitioner's pay scale retrospectively from 04.04.1997 with resultant and monetary benefits.

For Petitioner : Mr.Kovi Ramalingam

For R1 : Mr.R.Govindasamy
Special Government Pleader

For R2 : Mrs.Pushpa Menon

For R3 : Mr.S.Thamizharasi

O R D E R

Heard Mr.Kovi Ramalingam, learned counsel for the petitioner and Mr.R.Govindasamy, Special Government Pleader appearing on behalf of first respondent and Mrs.Pushpa Menon, learned counsel appearing on behalf of second respondent and Mr.S.Tamizharasi, learned counsel appearing on behalf of third respondent.

2. This Writ Petition is filed praying for a direction to the respondents to regularize the service of petitioner in grade-I Fitter post retrospectively from his date of appointment together with retrospective monetary benefits.

3. Mr.Kovi Ramalingam, learned counsel for the petitioner would submit that the petitioner had joined services as a Grade-I Fitter on 04.01.1997. The Government had passed a G.O.Ms.No.817/Finance/Pay Call/Department dated 27.07.1990, whereby Fitter and Turner trades were removed from Group-II and placed under Group-I and the pay scale of the Grade-I was implemented with retrospective effect from 01.06.1998. In order to implement the said G.O.Ms.No.817/Finance/Pay Call/Department dated 27.07.1990, the Board has also passed a proceeding in B.P.No.28790/Estt./A1/91 dated 20.03.1991. The petitioner has made a representation to the third respondent on 01.12.2009 claiming the benefits as per the abovesaid G.O and Board proceedings. Since, the third respondent had not passed any orders on the representation, the petitioner is before this court seeking for a direction to the third respondent.

4. When the writ petition was taken up today, the counsel for the petitioner would submit that though he had sought for a larger relief, he restricts his claim for a direction to grant retrospective fixation of pay and that he would be satisfied if a direction is granted to consider the representation dated 04.12.2009.

5. Learned counsel for the respondent also submitted that if specific direction is given to consider the representation, the same would be complied.

6. In view of the submissions made by the learned counsels on either side, there shall be a direction to the third respondent to consider the petitioner's representation dated 01.12.2009 within a period of six weeks from the date of receipt of copy of this order and pass necessary orders in accordance with law.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Secretary
Government of Tamilnadu
Municipal Administration and Water
Supply and Drainage,
Fort St. George, Chennai 600 009.
2. The Chairman cum Managing Director
Tamilnadu Water Supply and Drainage Board
Chepauk, Chennai 600 005.
3. The Executive Engineer
Tamilnadu Water Supply and Drainage Board
Maintenance Division,
5th Street, Gandhi Nagar
Thiruvannamalai 606 601.

+1cc to Mr.S.Thamizharasi, Advocate, S.R.No.63530

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VD(CO)
CA(08/12/2016)

सत्यमेव जयते

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