

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7865 of 2015

R.Natarajan

... Petitioner

Vs.

1 The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai-9.

2 The Director of Town Panchayat
Kuralagam, Chennai-108.

3 The District Collector
Coimbatore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to regularize the service of the petitioner as Junior Assistant from the date of his initial appointment and consequently direct the respondents to promote the petitioner as Executive Officer Grade II on par with his juniors.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.N.Srinivasan
Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to regularize his service as Junior Assistant from the date of his initial appointment and consequently, direct the respondents to

promote him as Executive Officer Grade II on par with his juniors.

3. It is the case of the petitioner that his father S.Ramachandran was working as Junior Assistant in S.Kodikulam Town Panchayat. He died in harness in the year 1985. Thereafter, pursuant to the request made by him, the third respondent by proceedings dated 28.9.1992, appointed the petitioner as Record Clerk and he was posted to the office of the District Panchayat Office, Kamarajar District. On 23.3.1994, his probation was declared and his service was regularized with effect from 1.10.1992. Subsequently, by proceedings dated 12.3.1996, the petitioner was temporarily promoted to the post of Junior Assistant. His next avenue of promotion is to the post of Executive Officer Grade-II. The third respondent by proceedings dated 28.2.2009, circulated a combined seniority list of Bill Collector / Junior Assistant / Typist as on 1.1.2007 and the petitioner's name finds place at Sl.No.38. However, when the promotions were made, his name was not considered on the ground that he was facing currency of punishment. Since this Court has already set aside the punishment order, the same cannot be put against him. Narrating the above facts, the petitioner sent a representation dated 12.2.2013 to the respondents to place him at the appropriate place. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in identical situation, this Court, by order dated 3.9.2013 in W.P.No.29845 of 2011, by relying upon the Government Orders in G.O.Ms.No.407 (MAWS Department) dated 2.8.2001, G.O.Ms.No.146 (MAWS Department) dated 16.4.2002, G.O.Ms.No.59 (MAWS Department) dated 27.8.2004 and G.O.Ms.No.34 (MAWS Department) dated 13.12.2006, allowed the prayer of the petitioner therein. Hence, following the same, the present writ petition has to be allowed.

5. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

6. In view of the said submission made by the learned counsel appearing for the petitioner, without going into the merits of the claim projected by the petitioner, this Court directs the second respondent to send a proposal to the first respondent with regard to regularization of the service of the petitioner as Junior Assistant from the date of his initial appointment and promotion to the post Executive Officer Grade II on par with his juniors, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to pass appropriate orders, on merits and in accordance with law and also based on the Government Orders in G.O.Ms.No.407 (MAWS Department) dated 2.8.2001, G.O.Ms.No.146 (MAWS Department) dated

16.4.2002, G.O.Ms.No.59 (MAWS Department) dated 27.8.2004 and G.O.Ms.No.34 (MAWS Department) dated 13.12.2006, as well as the order passed by this Court in **W.P.No.29845 of 2011 (V.Raju v. 1.The Secretary to Government of Tamil Nadu, and 2 others)** dated 3.9.2013, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1 The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai-9.

2 The Director of Town Panchayat
Kuralagam, Chennai-108.

3 The District Collector
Coimbatore.

+1 CC Mr.V.Vijay Shankar Advocate SR.No.58936

+1 CC Government Pleader SR.No.58941

सत्यमेव जयते W.P.No.7865 of 2015

SR

MSI 09/11/2016

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