

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No. 26886 of 2016

and

W.M.P.No.23100 of 2016

Erode Corporation Sanitary
Inspectors' Association,
rep. by its President,
Mr.S.Zahir Hussain

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Ezhilagam - Annexure, Chepauk,
Chennai - 600 005.
3. The Commissioner,
Erode Corporation,
Erode.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to forbear the respondents, their men, subordinates, or anybody acting through them, in any manner, allotting, assigning any works pertaining to Solid Waste Management other than the works assigned to the Sanitary Inspectors in the third respondent Corporation as per the G.O.Ms.No.241 Municipal Administration and Water Supply Department, dated 01.10.1996, issued by the first respondent herein to the members of the petitioner, association, whose names are set out in the Annexure to the Writ Petition.

For Petitioner : Mr.D.Krishna Pradeep
For Respondents-1&2 : Mr.A.Kumar,
Special Government Pleader
For Respondent-3 : Mr.A.Raja Mathivanan

O R D E R

Heard Mr.D.Krishna Pradeep, learned counsel appearing for the petitioner, Mr.A.Kumar, learned Special Government Pleader, accepting notice for respondents 1 and 2, and Mr.A.Raja Mathivanan, learned counsel, accepting notice for third respondent, and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner is an Association, consisting of 10 members, who are all working as Sanitary Inspectors in Erode Corporation. In this Writ Petition, the petitioner seeks for extending benefits of the order passed by the Government, in G.O.Ms.No.241 Municipal Administration and Water Supply Department, dated 01.10.1996, by not allotting and assigning works, pertaining to Solid Waste Management, or exclusively utilizing the services of the members of the petitioner-Association as Sanitary Inspectors.

3. Though the aggrieved individuals have not given individual representation, it is through the Association, all the individuals, who are affected., viz., 10 in numbers, have signed the representation.

4. The learned counsel appearing for the petitioner submits that the third respondent may be directed to consider the representation within a time frame. The learned counsel appearing for the third respondent submits that, no such representation has been received by the Commissioner, Erode Corporation, but, from the information furnished by the Postal Department, it is seen that the representation, which was sent by speed post, has been delivered in the Office of the third respondent. In any event, since the representation is still pending consideration, without going into the technicalities, there will be a direction to the Sanitary Inspectors, who are working in Erode Corporation, who are stated to be aggrieved, and on whose behalf, the petitioner-Association has filed this Writ Petition, shall submit individual representation along with a copy of this order, and the earlier representation made by the Association, dated 22.09.2015, to the third respondent, and if such representation is submitted, the third respondent shall consider the same and pass orders on merits and in accordance

with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of, accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to
The Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Ezhilagam - Annexure, Chempauk,
Chennai - 600 005.
3. The Commissioner,
Erode Corporation,
Erode.

+1 cc to Mr.M.Rajamathiraman Advocate sr43776
+1 cc to Government Pleader sr43910

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