

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31244 of 2016
and W.M.P.No.27118 of 2016

S.A.Maheswaran

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development and Panchayat
Raj Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of Rural Development
and Panchayat Raj,
Saidapet, Chennai-15.
3. The District Collector,
Villupuram District,
Villupuram.
4. The Block Development Officer,
Tiruvennainallur Panchayat Union,
Villupuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to consider the representation dated 1.8.2016 made by the petitioner with regard to appointment of the petitioner as regular jeep Driver on the ground that he had worked for a period of fourteen years as daily wage jeep Driver in the fourth respondent Panchayat Union within a period of two weeks or any other time as fixed by this Court.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.R.Venkatesh,
Government Advocate

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 third respondent to consider his representation dated 1.8.2016, with regard to his appointment as regular jeep Driver on the ground that he had worked for a period of fourteen years as daily wage jeep Driver in the fourth respondent Panchayat Union, within a period of two weeks or any other time as fixed by this Court.

3. It is the case of the petitioner that he belongs to Adi Dravida Community and right from the year 1995, he was engaged as Jeep Driver on daily wages basis in Tiruvonnainallur Panchayat Union on different spells and he had put four years of service till 25.8.2006. Since he was working as daily wage Jeep Driver continuously from 25.8.2006, he made a representation to regularize his service right from 2011. On 3.12.2012, the fourth respondent sent a proposal to the third respondent to regularize the service of the petitioner. However, from 26.3.2015 onwards, the petitioner was not engaged in the said work. In the meantime, one Paramasivam, who was regularly appointed as Jeep Driver, retired from service on 30.6.2015. The fourth respondent decided to fill up the said vacancy through direct recruitment and advertised for the same. According to the petitioner, instead of making a direct recruitment, the fourth respondent ought to have regularized the service of the petitioner, who was working as daily wage Jeep Driver for more than ten years. In fact, on 3.12.2012, the fourth respondent recommended the case of the petitioner for regularization. In this regard, the petitioner made a representation dated 1.8.2016 to the third respondent to regularize his service. 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. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 1.8.2016 seeking to regularize his service, and pass appropriate orders, on merits and in accordance with law and also based on the recommendation made by the fourth

respondent, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Secretary to Government,
Rural Development and Panchayat
Raj Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of Rural Development
and Panchayat Raj,
Saidapet, Chennai-15.
3. The District Collector,
Villupuram District,
Villupuram.
4. The Block Development Officer,
Tiruvonnainallur Panchayat Union,
Villupuram District.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.51437

KGK(CO)
CA(23/09/2016)

W.P.No.31244 of 2016