

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31290 of 2016

T.M.Sajan Mathew

... Petitioner

vs.

1.The Director,
Directorate of Town Panchayat,
Kuralagam, Chennai-108.

2.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-9.

3.The District Collector,
Udhagamandalam,
Nilgiris District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent herein to consider the petitioner's representation dated 8.7.2015 and regularize the petitioner's service as per the recommendation made by the third respondent in his letter dated 18.11.2015 under reference Na.Ka.No.27248/2015/Pa2, within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.S.Gunasekaran,
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 first respondent to consider his representation dated 8.7.2015 and regularize his service as per the recommendation made by the third respondent in his letter dated 18.11.2015 under reference Na.Ka.No.27248/2015/Pa2, within a time frame that may be fixed by this Court.

3. It is the case of the petitioner that he joined service as Record Clerk on 8.4.1996 and subsequently, as per the proceedings of the third respondent dated 7.1.1997, he got promoted and was working as Tax Collector in the office of the Gudalur Panchayat upto 9.1.2011. Further, he was promoted as Junior Assistant and now he is working in Naduvattam Panchayat, Naduvattam, Nilgiris District. Though the petitioner got promoted in all the departmental tests conducted by the Panchayat Department, till date, his service was not regularized and his name was also not recommended to Bhavani Sagar Training Centre, where the Government employees are trained. The other employees, who joined service along with the petitioner, got trained in Bhavani Sagar Training Centre and their services were also regularized. As per G.O.No.107/MSWE (TP-1) dated 22.11.2012, in the tentative list, the petitioner's name has been shown as Executive Officer II Grade / Head Writer under S.No.183 as on 1.1.2012, under S.No.155 as on 1.1.2013, under S.No.101 as on 1.1.2014 and under S.No.68 as on 1.1.2015 and in the year 2015, the same has been shown in S.No.68. As per his seniority, he has to be promoted as Executive Officer, but, so far, he has not been promoted. All his juniors have got promoted as Executive Officers. With regard to regularization, his file has been sent to the Udhagamandalam Panchayat on 11.2.2014 and the same has been forwarded to the Assistant Director of Udhagamandalam Panchayat on 30.6.2014. However, so far, no steps have been taken. The third respondent, by letter dated 18.11.2015, recommended the petitioner's name to the first respondent for regularization of service. In this regard, the petitioner has also sent a representation dated 8.7.2015 to the first respondent seeking regularization of 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 Additional Government Pleader, 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 first respondent to consider the representation of the petitioner dated 8.7.2015 seeking regularization of his

service, and pass appropriate orders, on merits and in accordance with law and also in the light of the recommendation made by the third 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 first 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Director,
Directorate of Town Panchayat,
Kuralagam, Chennai-108.
- 2.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-9.
- 3.The District Collector,
Udhagamandalam,
Nilgiris District.

+1cc to Mr.J. Franklin, Advocate, S.R.No.51069
+1cc to the Government Pleader, S.R.No.51331

VSN(CO)
EU(06/10/2016)

W.P.No.31290 of 2016