

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.29992 of 2012

and

W.P.Nos.19171 & 37864 of 2015

and

M.P.No.1 of 2012 in W.P.No.29992 of 2012

and

***M.P.No.1 of 2015 in W.P.No.1975 of 2015**

M.P.No.2 of 2015 in W.P.No.19171 of 2015

and

M.P.No.1 of 2015 in W.P.37864 of 2015

J.Madhavi ... Petitioner in all the above WPs

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-600 009.

..... R1 in W.P.29992/2012

R2 in W.P. 19171 & 37864/2015

2.The Commissioner,
The Corporation of Chennai,
Chennai-600 003.

... R2 in W.P.29992/2012

R1 in W.P. 19171 & 37864/2015

Writ Petition No.29992 of 2012 has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records and proceedings culminating in the impugned order dated 16.11.2010 bearing No.PWD.Na.Ka.No.E4/19699/2010 and after considering the legality and propriety thereof, quash the same and consequently, to direct the respondents to regularize the petitioner's services as permanent employee in the post of technical assistant retrospectively from the year 2008 as the petitioner has completed 10 years of service with the 2nd respondent.

Writ Petition No.19171 of 2015 has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to forthwith mark the

petitioner's attendance when she reports for duty, assign her work fitting her qualifications, pay her salary with effect from 16.01.2015 and continue to pay her monthly salary and other emoluments, when she reports for duty and pay her bonus for the year 2014-2015 and further, appoint her in the post of ***Junior Engineer** fitting her qualification with effect from July 2013.

Writ Petition No.37864 of 2015 has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to allot work to the petitioner in line with her qualifications and pay her salary for the same at the applicable rate.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Mr.P.Dinesh Kumar

For respondents : Mr.S.Gunasekaran, AGP
for Government of TamilNadu

Mr.K.Venkatramani, AAG-VII,
assisted by Mr.R.Arulmozhi
for Corporation

COMMON ORDER

Writ Petition No.29992 of 2012 has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and proceedings culminating in the impugned order dated 16.11.2010 bearing No.PWD.Na.Ka.No.E4/19699/2010 and to quash the same and consequently, to direct the respondents to regularize the petitioner's services as permanent employee in the post of technical assistant retrospectively from the year 2008 as the petitioner has completed 10 years of service with the 2nd respondent.

2.Writ Petition No.19171 of 2015 has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to forthwith mark the petitioner's attendance, assign her work fitting her qualifications, pay her salary with effect from 16.01.2015 and continue to pay her monthly salary and other emoluments, when she reports for duty and pay her bonus for the year 2014-2015 and further, appoint her in the post of ***Junior Engineer**.

3.Writ Petition No.37864 of 2015 has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to allot work to the petitioner in line with her qualifications and pay her salary for the same.

4.As the issue involved in these writ petitions are one and the same, these writ petitions are disposed of by way of this common order.

5. When the matter is taken up for consideration, the learned Additional Advocate General appearing for the ***2nd respondent**/Corporation submitted that the Corporation has passed a Resolution dated ***16.09.2009** to appoint the petitioner herein as Record Clerk (RC), but the petitioner has not joined the duty in the said post.

6.Now, the learned senior counsel for the petitioner submitted the petitioner is willing to join duty as Record Clerk (RC); however, he sought for liberty to make a representation to the Corporation to appoint him as Technical Assistant, as he petitioner is having necessary qualifications for the post of Technical Assistant.

7.The above submissions made by the learned Additional Advocate General and the learned counsel for the petitioner are recorded. In view of the submissions made on either side, this Court directs the ***2nd respondent** to permit the petitioner to join duty as Record Clerk (RC), forthwith ***based on the Resolution dated 16.09.2009**. However, the petitioner is at liberty to make a representation to appoint her as Technical Assistant, as she claimed that she possessed the required qualification for the post of ***Draftsman and any other post**. When such a representation being made, the ***2nd Respondent** is directed to consider the same and pass appropriate orders, on merits and in accordance with law.

With the above terms, these writ petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

Dated : 06.10.2016

***Amended as per the order dated
21.10.2016.**

Sd/- Assistant Registrar(CS III)

Dated : 01.11.2016

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner,
The Corporation of Chennai,
Chennai-600 003.

To be substituted to the Order

already despatched on

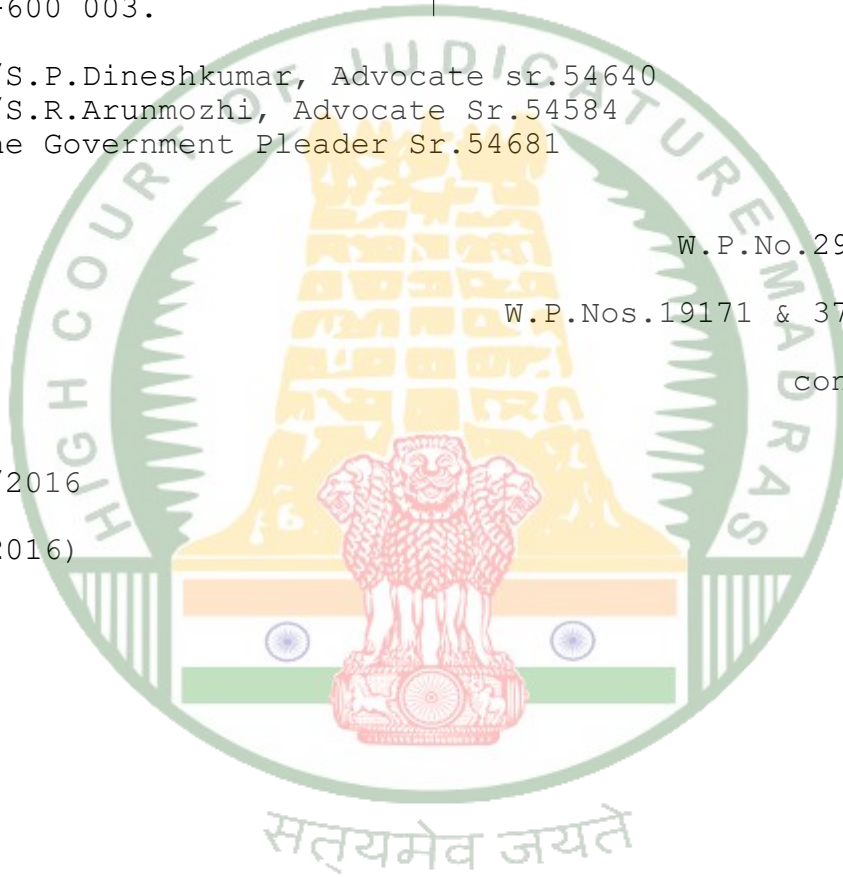
19.10.2016

+1cc to M/S.P.Dineshkumar, Advocate sr.54640
+1cc to M/S.R.Arunmozhi, Advocate Sr.54584
+1cc to the Government Pleader Sr.54681

W.P.No.29992 of 2012
and
W.P.Nos.19171 & 37864 of 2015
and
connected MPs.

rp[col]
srg 06/10/2016

CA(01.11.2016)



WEB COPY