

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36523 of 2016
and WMP.No.31431 of 2016

K.Rajaraman

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by the Secretary,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The District Collector,
Nagapattinam, Nagapattinam District.

3.The Assistant Director of Town Panchayats,
Thanjavur Zone, Panagal Buildings,
Thanjavur.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to give regular appointment to the post of Technical Assistant or Work Inspector or Overseer in pursuance of the order of the 3rd respondent dated 28.02.2007 and 22.01.2007 in the light of the principles laid down in G.O.Ms.No.183 (Municipal Administration and Water Supply) Department dated 19.09.2008.

For Petitioner : Mr.R.Singaravelan, Sr. Counsel
for Ms.M.Srividhya

For Respondents : Mr.R.Venkatesh,
Government Advocate

O R D E R

With the consent of both sides, the main writ petition is taken up for final disposal.

2. The writ petition is filed seeking Mandamus directing the respondents to give regular appointment to the post of Technical Assistant or Work Inspector or Overseer in pursuance of the order of the 3rd respondent dated 28.02.2007 and 22.01.2007 in the light of the principles laid down in G.O.Ms.No.183 (Municipal Administration and Water Supply) Department dated 19.09.2008.

3. The petitioner was selected for appointment to the post of Technical Assistant, through employment exchange, on consolidated pay of Rs.8000/- by an order of the 2nd respondent dated 28.02.2007 and joined service on 01.03.2007. Though the petitioner was also selected for appointment to the same post by the second respondent in the Rural Development Department, through employment exchange, by an order dated 22.01.2007, he has not joined the post because the consolidated pay was fixed at Rs.4000/- per month only.

4. While being so, the petitioner was discontinued by an order dated 31.03.2009 on the ground that the post was disbanded and his pay was reduced to Rs.4000/- and the excess pay of Rs.4000/- was also recovered from him. The person appointed to the said post under the Rural development Department were regularised within a year on the scale of pay of Rs.4500-125-7000.

5. The employees of other projects, similar to that of this project, in the post of Works Instructor were given regular employment on the basis of Government Orders in G.O.M.S.No.183 (Municipal Administration and Water Supply) Department dated 19.09.2008 and G.O.Ms.No.268 Revenue (NC.IV.1) Department dated 22.05.2007. Therefore, the petitioner has sent representation to the respondent on 04.10.2016. But the respondents have not considered the representation of the petitioner. Hence, he has come forward with the present writ petition.

6. I have heard the learned counsel appearing for the petitioner and Mr. R.Venkatesh, learned Government Advocate, who takes notice for the respondents.

सत्यमेव जयते

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7. Considering the submissions made on either side, this Court directs the petitioner to give a fresh representation, to the respondents within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the respondents are directed to consider the same in the light of G.O.Ms.No.183 (Municipal Administration and Water Supply) Department dated 19.09.2008 and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter. 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 respondents to consider the claim of the petitioner purely on merits. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

mrp

Sd/-

Assistant Registrar (CS)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The Secretary,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The District Collector,
Nagapattinam, Nagapattinam District.
- 3.The Assistant Director of Town Panchayats,
Thanjavur Zone, Panagal Buildings,
Thanjavur.

+1CC to MR.M.SRINIVASAN Advocate SR.NO.58992
+1CC to GOVT. PLEADER SR.NO.59674

W.P.No.36523 of 2016

SR[CO]
MK:08/11/2016

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