

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36594 of 2016
and
W.M.P.No.31464 of 2016

S.Sekar

... Petitioner

Vs.

1. State of Tamil Nadu.
Rep. by the Secretary to Government,
Municipal Administration & Water
Supply Department,
Secretariat, Chennai - 9.
2. The Director of Town Panchayats,
Kuralagam,
Chennai - 108.
3. The Collector,
Vellore District,
Vellore.
4. The Assistant Director of Town Panchayats,
Vellore Circle,
Vellore.

... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to appoint the petitioner either to the post of Junior Assistant or to the post of Bill Collector under 20% quota reserved for basic service employees in Town Panchayat in Vellore District as provided in G.O.(Ms) No.150, MAWS Dept., dated 19.08.1998 and G.O.(MS)No.102, MAWS, Department, dated 22.07.2011, with effect from the date of the vacancies in Vellore District with all monetary and service benefits.

For Petitioner : Mr.R. Singaravelan,
Senior Counsel for Ms.M.SriVidhya

For Respondents : Mr. K.Dhananjayan,
Spl. G.P.

O R D E R

With the consent on both sides, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing the respondents to appoint the petitioner either to the post of Junior Assistant or to the post of Bill Collector under 20% quota reserved for basic service employees in Town Panchayat in Vellore District as provided in G.O.(Ms) No.150, MAWS Dept., dated 19.08.1998 and G.O.(MS)No.102, MAWS, Department, dated 22.07.2011, with effect from the date of the vacancies in Vellore District with all monetary and service benefits.

3. The petitioner was appointed as Office Assistant by direct Recruitment on merits by an order dated 15.04.1983 of the Executive Officer, kalavai Town Panchayat and he was taken to regular time scale of pay on 20.04.1990 and subsequently he was promoted as Record Clerk by an order dated 21.09.1990. From the date of promotion, he has been serving in the said post for more than a decade.

4. The promotional avenues should be created for a Government Servant so as to enable him to serve for the state and public satisfactorily. It is the duty of the respondents to consider him for further elevation as per G.O.Ms.No.102, dated 22.07.2011. The Government order in G.O.Ms.No.150 is the basic Government order and G.O.Ms.No.102, dated 22.07.2011 is passed exclusively for the vacancies under 20% quota for Vellore District Town Panchayat alone arisen from 1998-99 to 2008-2009.

5. The Government orders are omitted to be taken note of by the respondents inspite of the representations and demands for appointment to the post of Junior Assistant/Bill Collector under 20% quota provided by the above Government orders. From 30.06.2009 to 30.06.2013, nearly 18 employees have attained the age of superannuation from the post of Junior Assistant and Bill Collector. Those vacancies are not yet filled and if they are filled, the petitioner will be able to get appointment to those

vacancies. Hence, the petitioner has come up with the present writ petition.

6.I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who take notice for the respondents.

7. Considering the submissions made on either side, this Court directs the petitioner to give a fresh representation to the 3rd respondent 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 3rd respondent is directed to consider the same in the light of G.O.(Ms).No.150, MAWS Department, dated 19.08.1998 and G.O.(Ms).No.102, MAWS Department, dated 22.07.2011 and pass appropriate order 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 third respondent 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

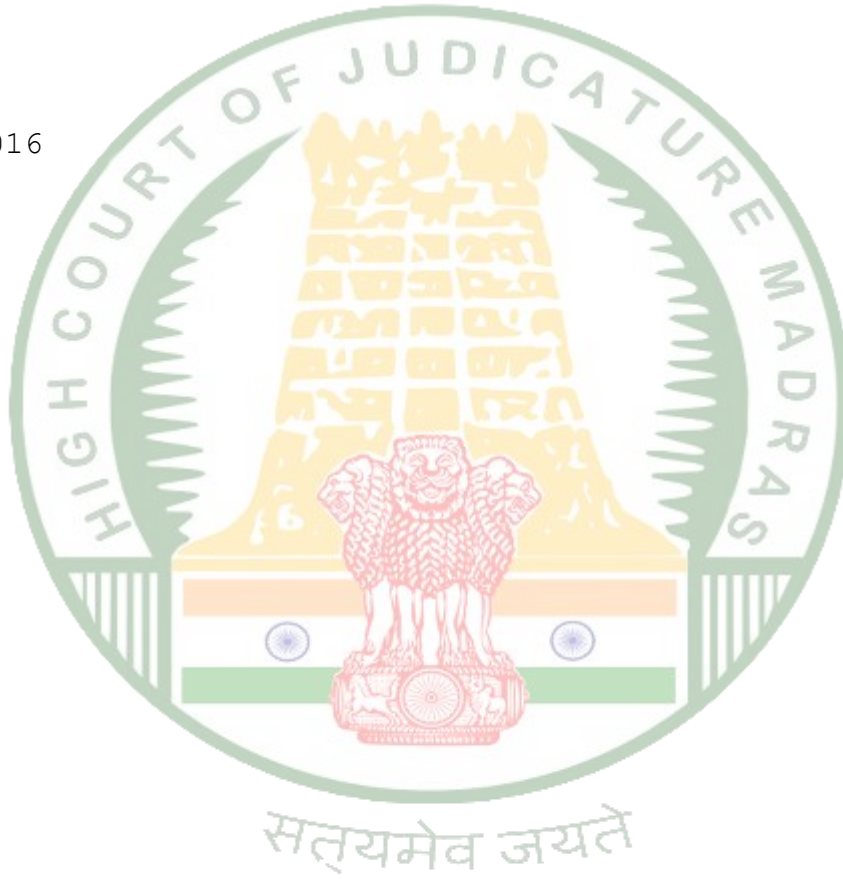
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4. The Assistant Director of Town Panchayats,
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+1 cc to Mr.M.Srividhya Advocate sr 59000

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