

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36884 of 2016

K.Vemban

... Petitioner

Vs.

1. The Inspector of Panchayat/District Collector,
O/o.the District Collectorate,
Cuddalore District.
2. The Assistant Director of Panchayat,
O/o.the District Collectorate,
Cuddalore District.
3. The Block Development Officer,
Mangalore Block, Veppur Taluk,
Cuddalore District.
4. The President,
JA Eanthal Village Panchayat,
Veppur Taluk,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to continue his duty as Over Head Tank Operator at Ja.Eanthel Village Panchayat, Veppur Taluk, Cuddalore District and consequently, to direct to pay salary from July, 2016 to till date, with all other attended benefits.

For Petitioner : Mr.R.Kumaravel

For respondents : Mr.S.N.Parthasarathi,
Government Advocate (For R1 & R2)
Mr.R.Vijayakumar,
Additional Government Pleader
(For R3 & R4)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to continue his duty as Over Head Tank Operator at Ja.Eanthel Village Panchayat,

Veppur Taluk, Cuddalore District and consequently, to direct to pay salary from July, 2016 to till date, with all other attended benefits.

2. In the affidavit filed in support of the writ petition it has been averred by the petitioner as follows:-

2-1. The petitioner was originally engaged as Over Head Tank Operator from 2005 onwards as temporary daily wager on Rs.330/- per month, as part time worker. But, the petitioner rendered service as whole time worker. Later, he was appointed as Over Head Tank Operator (OHT) vide Resolution No.2, dated 29.10.2012 on consolidated pay basis and he was initially paid with Rs.1,290/- per month, and subsequently, it was increased to Rs.2,440/- + Rs.150, totally Rs.2,570/- by the 4th respondent. He has been a member of Tamil Nadu Government Group Insurance Scheme for employees of Local Bodies and he has been remitting subscription regularly.

2-2. It is further stated by the petitioner that his duty is to maintain the tank free from pollution and opening the water for supply in timely manner and also to undertake regular bleaching and sometimes, to perform sundry repairs on plumbing. From January, 2016, he has been maintaining two Over Head Tanks. The petitioner has rendered continuous service for more than 240 days. The petitioner made a representation to the respondents dated 04.10.2016 requesting to regularize his service by bringing him on time scale of pay. But, the petitioner's request was not considered. Hence, he has come forward with the present writ petition.

3. Though the writ petition has been filed for a larger relief, when the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that the petitioner has given a representation dated 04.10.2016 to the 3rd respondent with regard to regularization of his service; if a direction issued to the 3rd respondent to dispose of the said representation, it would suffice.

4. I have heard the learned Government Advocate appearing for the respondents 1 & 2 and the learned Additional Government Pleader appearing for the respondents 3 & 4 also and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court direct the 3rd respondent to consider the representation dated 04.10.2016 given by the petitioner and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clearly that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the 3rd respondent to pass orders wholly on merits and in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Inspector of Panchayat / District Collector,
O/o.the District Collectorate,
Cuddalore District.
2. The Assistant Director of Panchayat,
O/o.the District Collectorate,
Cuddalore District.
3. The Block Development Officer,
Mangalore Block, Veppur Taluk,
Cuddalore District.
4. The President,
JA Eanthal Village Panchayat,
Veppur Taluk, Cuddalore District.

+1cc to Mr.R.Kumaravel, Advocate, S.R.No.62443
+1cc to the Government Pleader, S.R.No.62820

W.P.No.36884 of 2016

PPA(CO)
CA(08/11/2016)

WEB COPY