

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37181 of 2016

And

W.M.P.No.31940 of 2016

D.Venkatesan

... 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 District 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 M/s.M.Srividhya

For Respondents

: Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a 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 selected for appointment to the post of Office Assistant by direct Recruitment on merits and he joined in the service on 09.03.1998 and he was taken to the regular time scale of pay with effect from 09.03.2001 and his service was regularized with effect from 09.03.2001. The petitioner was awarded with the Selection Grade Scale of pay on 01.04.2013 and he has been serving in the said post to the satisfaction of his superiors.

4.The promotional avenues should be created for a Government Servant so as to enable him to serve for the State and the 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 dated 19.08.1998 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 Grade 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 third 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 third 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 orders, on merits and in accordance with law, within a period of six weeks thereafter.

8.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner purely on merits.

9.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu.

Municipal Administration &
Water Supply Department,
Secretariat, Chennai - 9.

2. The Director of Town Panchayats,
Kuralagam, Chennai - 108.

3. The District Collector,
Vellore District, Vellore.

4. The Assistant Director of Town Panchayats,
Vellore Circle, Vellore.

1 cc to Mr.M. Srividhya, Advocate, Sr. 60895

1 cc to Government Pleader, Sr. 61579

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