

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38896 of 2016

Chinnaswamy

... Petitioner

vs.

1. The District Collector,
Krishnagiri District.
2. The Block Development Officer,
Bargur Panchayat Union,
Krishnagiri District. ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to regularize the petitioner's services as Watchman with effect from the date of his absorption in the said post, i.e. 21.07.1994 with all attendant monetary and service benefits within a reasonable time.

For Petitioner : Mr.C.Mahendran
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to respondents to regularize his services as Watchman with effect from the date of his absorption in the said post, i.e. 21.07.1994 with all attendant monetary and service benefits within a reasonable time.

2. According to the petitioner, on satisfaction of the requirements of qualification for appointment to the post of Masalchi, in the cadre of unskilled employee, he was taken into service, by regular appointment process viz. absorption through Employment Exchange, referring to his Registration Number 852/1983. The said process was done pursuant to the Resolution passed by the Panchayat Union Council followed by an order of appointment in Na.Ka.No.854/1984, dated 31.03.1984 by the Commissioner of Bargur Panchayat Union. Based on the said

appointment, the petitioner joined the service under the respondents.

3. After ten years of service, the petitioner was posted as Night Watchman in the sanctioned post at the office of the 2nd respondent. However, since his post was not regularized, he made a representation to the 1st respondent through the 2nd respondent on 17.08.2015 requesting regularization of his service as Night Watchman. Though the 2nd respondent forwarded the petitioner's representation to the 1st respondent, no orders have been passed so far. Hence, having no other alternative, the petitioner is before this Court.

4. When the matter is taken up for hearing, learned counsel for the petitioner produced a copy of the Government Order vide G.O.(Ms) No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013 pertaining to regularization of service of part-time employees. He submitted that the respondents may be directed to consider the petitioner's representation for regularization of his service on the basis of the said Government Order.

5. In view of the above, without going into the merits of the case, the 1st respondent is directed to consider the petitioner's representation dated 17.08.2015 in the light of G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, and 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.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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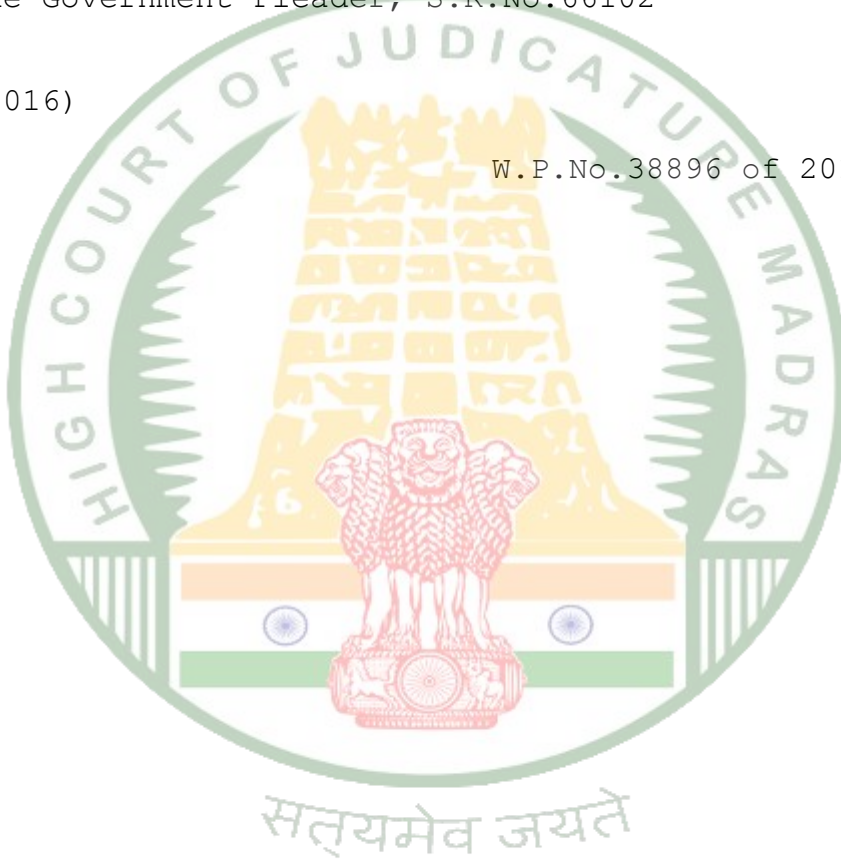
1. The District Collector,
Krishnagiri District.
2. The Block Development Officer,
Bargur Panchayat Union,
Krishnagiri District.

+lcc to Mr.C. Mahendran, Advocate, S.R.No.65945

+lcc to the Government Pleader, S.R.No.66102

ssi(CO)
md(02/12/2016)

W.P.No.38896 of 2016



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