

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39549 of 2016

and W.M.P.No.33826 of 2016

A.Mariappan

... Petitioner

Vs

- 1 The State of Tamilnadu
rep. by its Principal Secretary to
Government Municipal Administration and
Water Supply Department Secretariat Fort
St.George Chennai-9
 - 2 The Director of Town
Panchayat Kuralagam Chennai-108
 - 3 The District Collector
Nagapattinam District Nagapattinam
 - 4 The Assistant Director of
Town Panchayat Thanjavur Zone Thanjavur
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to appoint the petitioner to the post of Junior Assistant in compliance to G.O.Ms.No.174 Municipal Administration & Water Supply (TP-I) Department dated 11.11.2013 with retrospective effect from the panel year 2004-2005 with all consequential and other attendant benefits including arrears of salary within a time frame to be fixed by this Honourable court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to appoint him to the post of Junior Assistant in compliance with G.O.Ms.No.174, Municipal Administration & Water Supply (TP-I) Department, dated 11.11.2013 with retrospective effect from the panel year 2004-2005 with all consequential and other attendant benefits including arrears of salary within a time frame to be fixed by this Court.

3. It is the case of the petitioner that as per the proceedings of the third respondent dated 16.4.1997, he was appointed as Sanitary Supervisor on compassionate grounds in Town Panchayat Services. Though the petitioner has possessed decree qualification and is eligible to be appointed as Junior Assistant, he was given appointment only as a Sanitary Supervisor. As per G.O.Ms.No.206 MAWS Department dated 2.11.1995, the legal heirs of deceased employee worked in non-provincialized post, can be given appointment to the post of Junior Assistant. Hence, the petitioner made a representation to appoint him in the post of Junior Assistant based on his qualification, but, the same was not considered by the respondents 1 and 2. Subsequently, after the orders of Government in G.O.Ms.150 MAWS Department dated 19.8.1998, the fourth respondent vide proceedings dated 20.11.2000 stated that the petitioner's claim for appointment to the post of Junior Assistant would be considered as per the said GO. Since his claim was not considered, the petitioner filed a writ petition before this Court in W.P.No.22681 of 2010 seeking a direction to the first respondent to appoint him in the post of Junior Assistant. While so, the Government issued orders in G.O.Ms.No.174 MAWS Department dated 11.11.2013 by which his name was included in the panel for the year 2004-05 and accordingly, he was directed to be appointed to the post of Junior Assistant based on G.O.Ms.150 MAWS Department dated 19.8.1998 for the panel year 2005-05. However, in stead of appointing him to the post of Junior Assistant as directed, the third respondent issued an order of appointment dated 21.12.2013 appointing the petitioner to the post of Bill Collector. Further, he is entitled for appointment to the post of Junior Assistant from the panel year 2004-05 with consequential benefits. In this regard, he sent a representation dated 11.7.2016 to the respondents to appoint him to the post of Junior Assistant in compliance with G.O.Ms.No.174 Municipal, Administrative and

water Supply Department dated 11.11.2013. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 11.7.2016 seeking appointment to the post of Junior Assistant in compliance with G.O.Ms.No.174, Municipal Administration & Water Supply (TP-I) Department, dated 11.11.2013 with retrospective effect from the panel year 2004-2005 with all consequential and other attendant benefits including arrears of salary and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

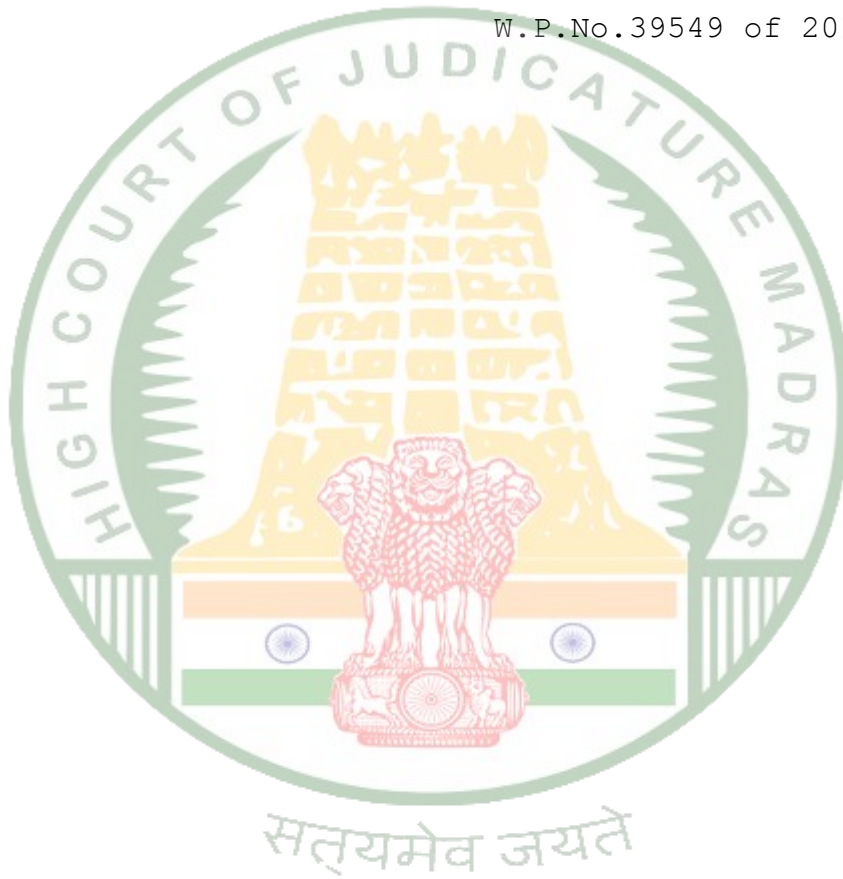
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Nagapattinam District Nagapattinam

4 The Assistant Director of
Town Panchayat Thanjavur Zone Thanjavur

+1cc to Mr.G. Sankaran, Advocate, S.R.No.65464
+1cc to the Government Pleader, S.R.No.65288

sai (CO)
md(30/11/2016)

W.P.No.39549 of 20163



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