

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.40477 of 2016
and
W.M.P.No.34527 of 2016

S.Ravishankar

... Petitioner

Vs.

- 1.Government of Tamil Nadu
rep. by The Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Nagapattinam, Nagapattinam District.
- 3.The Assistant Director of Town Panchayats,
Thanjavur Zone, Panagal Buildings,
Thanjavur. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to give regular appointment to the post of Technical Assistant or Work Inspector or Overseer in pursuance of the order of the 3rd respondent dated 27.12.2006 in the light of the principles laid down in G.O.Ms.No.183 (Municipal Administration and Water Supply) Department, dated 19.09.2008.

For Petitioners : Mr.R.Singaravelan, Senior Counsel
M/s.M.Srividhya

For Respondents : Mr.K.Dhananjayan, Spl GP

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a writ of Mandamus, directing the respondents to give regular appointment to the post of Technical Assistant or Work Inspector or Overseer in pursuance of the order of the 3rd respondent dated 27.12.2006 in the light of the principles laid down in G.O.Ms.No.183 Municipal Administration and Water Supply Department, dated 19.09.2008.

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 selected for appointment to the post of Technical Assistant through Employment Exchange on merits, on consolidated pay of Rs.8,000/- by an order dated 28.02.2007 passed by the 3rd respondent and he joined service in that post with effect from 01.03.2007. The above appointment was under the control of the Town Panchayat Department. But, subsequently, by order dated 31.10.2008, the 2nd respondent had discontinued the service of the petitioner with effect from 31.10.2008 on the ground that the said post was disbanded. There are some persons who were simultaneously sponsored by the Employment Exchange and appointed to the post of Technical Assistant in National Rural Employment Guarantee Scheme (NREGS) Tsunami District Project Implementation Unit with a consolidated pay of Rs.4,000/- in Rural Development and Panchayat Raj Department and such persons who were recruited as Technical Assistant under NREGS and Tsunami DIPU numbering about 580 have been appointed in the post of Overseer all over Tamil Nadu. The Government should have framed a scheme for the absorption of the similarly situated candidates of both the Departments by following a common seniority list. But, without doing so, the Government gave preference to the employees of another department while completely omitting the same set of employees under different department under the control of the 3rd respondent, which is nothing but discriminatory.

2-2. It is further stated by the petitioner that the employees of other projects, similar to that of the project under which the petitioner worked in the post of Work Instructor, were given regular employment on the basis of Government Orders in G.O.Ms.No.183 Municipal Administration and Water Supply Department, dated 19.09.2008 and the Government Order in G.O.Ms.No.268, Revenue (NC.IV.1) Department, dated 22.05.2007.

2-3. Now, it is stated by the petitioner that he has made several representations to the respondents praying for priority in the recruitment for filling up the vacancies in the post of Overseer taking into account the service rendered by the petitioner in the Directorate of Town Panchayats as Technical Assistant. But, there was no response from the respondents. Hence, the petitioner has come forward with the present writ petition before this Court.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. Considering the submissions made on either side, this Court directs the petitioner to give a fresh representation to the respondents 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 such representation, the respondents are directed to consider the same in the light of G.O.Ms.No.183 Municipal Administration and Water Supply Department, dated 19.09.2003 and to pass appropriate orders 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 respondents to consider the claim of the petitioner purely on merits.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary,
Government of Tamil Nadu
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Nagapattinam, Nagapattinam District.
- 3.The Assistant Director of Town Panchayats,
Thanjavur Zone, Panagal Buildings,
Thanjavur.

+1 cc to Govt.Pleader,sr.67540.

ssi(co)
krd 7/12

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