

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.88 of 2016

K.R.Gopi

.. Petitioner

-VS-

1. The District Collector
Thiruvallur District
Thiruvallur
2. The Assistant Director of Town Panchayat
Office of District Collector
Thiruvallur District
Thiruvallur
3. The Executive Officer
Gummudipoondi Town Panchayat
Thiruvallur District
Thiruvallur

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondents to pass appropriate orders for appointment of the petitioner in the post of Record Clerk in the existing vacancy in the third respondent Town Panchayat based on the proposal forwarded by the third respondent to the second respondent as stated in the proceedings of third respondent in Na.Ka.No.105/2007/A1 dated 11.12.2015 as well as the letter forwarded by the Chairman of third respondent dated 27.09.2015 and by considering the representation submitted by the petitioner dated 12.10.2015 within a time frame fixed by this Court.

For Petitioner :: Mr.G.Sankaran
For Respondents :: Mr.S.Gunasekaran
Government Advocate for R1 & R2
Mr.S.V.Durai Solaimalai for R3

ORDER

This writ petition has been filed by Mr.K.R.Gopi seeking a writ of mandamus, directing the respondents 1 & 2 to pass

suitable orders to appoint the petitioner as Record Clerk in the existing vacancy in the third respondent Town Panchayat based on the proposal forwarded by the Executive Officer of Gummudipoondi Town Panchayat dated 11.12.2005 in Na.Ka.No.105/2007/A1 along with the letter forwarded by the Chairman of the third respondent Panchayat dated 27.09.2015.

2. Heard the learned counsel for the parties.

3. The petitioner's mother Tmt.Amirtham, who was employed as Sweeper in the Gummudipoondi Town Panchayat, suddenly expired on 22.5.2002 while in service leaving the entire family in lurch. Under these circumstances, the petitioner made an application to the District Collector, Thiruvallur seeking appointment to the post of Office Assistant/Record Clerk on compassionate grounds. Considering the request of the petitioner, he was appointed as Sanitary Worker in the Gummudipoondi Town Panchayat on compassionate grounds and he also joined duty on 1.11.2007. After accepting the post of Sanitary Worker, the petitioner made another representation on 15.11.2007 seeking appointment to the post of Office Assistant/Record Clerk by considering his educational qualification. He had also indicated that a vacancy in the post of Record Clerk in the third respondent Panchayat was available on the premature death of one Mr.S.Muthu Sahib. But that vacancy came to be filled up by direct recruitment through the employment exchange in December, 2009, as a result the petitioner's request for appointment as Office Assistant/Record Clerk remains unanswered. In this background, the grievance of the petitioner is that when he is fully qualified to the post of Record Clerk, he should be considered.

4. But this Court is not able to find any merits in the grievance of the petitioner. When he was already considered to the post of Sanitary Worker in the Gummudipoondi Town Panchayat on compassionate ground, this Court may not be in a position to entertain the prayer for further appointment. Therefore, the prayer of the petitioner is refused and the writ petition stands dismissed. Consequently, W.M.P.No.41 of 2016 is also dismissed. No costs.

ss

s/d-
Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Thiruvallur District
Thiruvallur

2. The Assistant Director of Town Panchayat
Office of District Collector
Thiruvallur District
Thiruvallur

3. The Executive Officer
Gummudipoondi Town Panchayat
Thiruvallur District
Thiruvallur

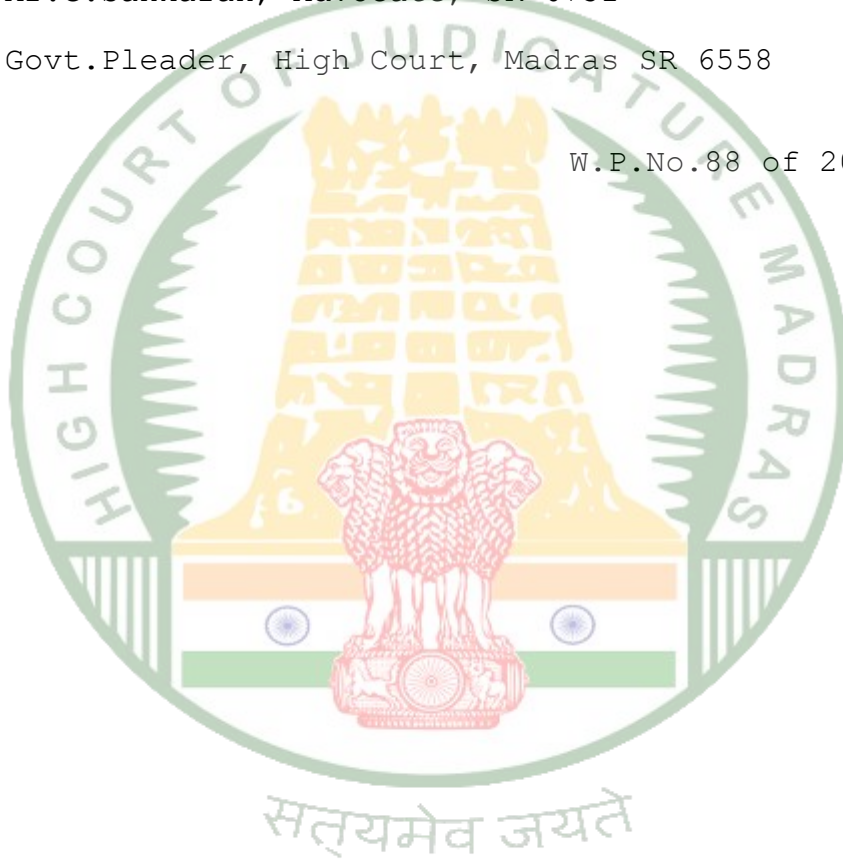
+ 1 cc to Mr.S.V.Duri Solaimalai, Advocate, SR 7063

+ 1 cc to Mr.G.Sankaran, Advocate, SR 6731

+ 1 cc to Govt.Pleader, High Court, Madras SR 6558

rsy(co)
prk6/4

W.P.No.88 of 2016



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