



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.11146 of 2015

WEB COPY

K.Vadivelu

... Petitioner

Vs.

1.The Commissioner,
Rural Development & Panchayath Raj,
Panagal Building,
Chennai - 15.

2.The District Collector,
Collectorate Campus,
Karur.

3.The Commissioner, Panchayat Union,
Krishnarayapuram
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass the regularization order and give all the increments and pay all the arrears within a stipulated time.

For Petitioner : Mr.R.Lakshmanan

For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition is filed by the petitioner seeking for a Mandamus directing the respondents to pass regularization order and give all the increments and pay all the arrears within a stipulated time.

2. The case of the petitioner is that he was appointed as a Watchman from 01.07.1991 to 30.06.1992 through employment exchange and was appointed in the regular scale of pay as Night Watchman from 17.07.1992 as per the proceedings of the third respondent. The petitioner has been working on the regular time scale basis till today and he was given only one increment. As there was no regularization order passed by the respondents, no increments were given to him and the selection grade pay was also not paid. The petitioner claims to be above 59 years old and he seeks regularization of service before his retirement. The representation sent by him in this regard through the third respondent to the second respondent has not been considered till the filing of the Writ Petition.

3. The third respondent has also filed his counter affidavit stating that the grievance of the petitioner and the other persons having similar grievance were sent for regularization by the proceedings of the District Collector, Karur in Na.Ka.pa.49.4/1918/2005, dated



23.04.2007. It is also stated in the counter affidavit that the representation of the petitioner, dated 25.03.2015 was duly considered and it is also sent to the District Collector, Karur for further consideration.

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4. The counter affidavit filed by the third respondent does not specifically say the reason as to why the service of the petitioner has not been regularized from 1992. Unless the services are regularized, the petitioner is not entitled to the increments and other time scale of pay.

5. As the scope of the prayer made in this Writ Petition is limited, without going into the merits of the claim made by the petitioner, the respondents, more particularly, the second respondent is directed to consider the representation made by the petitioner, dated 25.03.2015, in the light of the recommendations made by the third respondent and pass appropriate orders on the same, for regularizing the services of the petitioner and to give all increments, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The Commissioner,
Rural Development & Panchayath Raj,
Panagal Building,
Chennai - 15.

2.The District Collector,
Collectorate Campus,
Karur.

3.The Commissioner, Panchayat Union,
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Karur District.

+1cc to M/S.R.Lakshmanan, Advocate in SR.No.8278
+1cc to Special Government Pleader in SR.No.8588

W.P (MD) No.11146 of 2015
11.02.2016

pm