



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18895 of 2016

B.Ranjith Kumar

... Petitioner

-vs-

1. State of Tamil Nadu,
rep.by its Principal Secretary,
Department of Rural Development
and Panchayat Raj,
Secretariat, Chennai - 9.

2. The Director of Rural Development and
Panchayat Raj,
O/o.the Director of Rural Development and
Panchayat Raj,
Chennai - 600 015.

3. The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent No.1 to regularize the services of the petitioner as Driver in the existing vacancy in any of the Panchayat Union in Sivagangai District in the light of the Government order in G.O.M.S.No.76 Rural Development and Panchayat Raj Department dated 01.07.2016 within the time period stipulated by the court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This Writ of Mandamus has been filed, seeking a direction to the first respondent to consider the representation of the petitioner dated 21.07.2016, seeking regularization of services of the petitioner.

<https://hservices.courts.gov.in/hservices>



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner was appointed in the post of Driver on 31.03.2004 on consolidated basis. He was paid salary from 01.04.2004 to 30.06.2008. Later on, he was not paid salary. Though salary was not paid, the petitioner was continuously working in the post of driver for the past 12 years without any adverse remarks. In fact, the third respondent has recommended for the regularization of the petitioner in the existing vacancy as a driver. In the meantime, the first respondent has issued G.O.Ms.No.76 dated 01.07.2016, in which, there is a direction to regularise all those employees who have put in ten years of service. The petitioner has submitted a representation dated 21.07.2016 to consider his claim for regularisation. As his representation is not considered, this Writ petition has been filed.

4. The learned counsel for the petitioner brought to the notice of this Court, the recommendation made by the District Collector, Sivagangai dated 30.06.2014 as well as G.O.Ms.No.76 dated 01.07.2016 and contended that the petitioner is entitled to regularisation in the terms of those two proceedings.

5. The learned Additional Government Pleader for the respondents would contend that it is for the second respondent to consider the representation of the petitioner.

6. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 21.07.2016 in the light of G.O.Ms.No.76 dated 01.07.2016 and also in the light of the recommendation made by the third respondent dated 30.06.2014 and to pass 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.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

1. Principal Secretary, State of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat, Chennai - 9.



2.The Director of Rural Development and Panchayat Raj,
O/o.the Director of Rural Development and Panchayat Raj,
Chennai - 600 015.

3.The District Collector,
Sivagangai District, Sivagangai.

+1cc to M/s.T.Lajapathi Roy, Advocate, in SR No.68780.

+1cc to Special Government Pleader in SR.No.68842.

W.P (MD) No.18895 of 2016
14.11.2016

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msm/sk-skn/sar1/29.11.16/p3/6c