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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19891 of 2016

P.Melkiyore

... Petitioner

-vs-

The Bharathidasan University,
rep.by its Registrar,
Palkalaiperur,
Tiruchirapalli - 620 024,
Trichy District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to grant conversion of service to petitioner on completion of one year that is from 08.08.1998 to the post of Office Assistant from the post of Watchman/guard and to grant all attendant benefits there from by considering the representation of the petitioner dated 15.09.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.V.R.Shanmuganathan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondent to grant conversion of service to the petitioner on completion of one year, that is, from 08.08.1998 to the post of Office Assistant from the post of Watchman/guard and to grant all attendant benefits, by considering the representation of the petitioner dated 15.09.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was originally appointed as a security guard on contract basis in the respondent University. Subsequently, he was absorbed as a daily wage employee. Satisfied with his performance, during 1997, the Syndicate has recommended to regularise his service. Based on the recommendation, the



petitioner's service was regularised as watchman/guard with effect from 08.08.1998. He was also posted as Selection Grade Watchman cum Guard with effect from 08.08.2005 and thereafter, on 26.08.2009 his service was converted into Office Assistant, without any extra benefits.

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4. In the meantime, the Government has issued G.O.Ms.No.1077 dated 01.12.1987, which categorically states that on completion of one year service, or on completion of probation, one is eligible to get conversion from 4th grade servant to 3rd grade.

5. As the petitioner has completed his one year service as on 09.08.1999, he is entitled to get conversion to the post of Office Assistant. In similar circumstances, one Kanagaraj who was appointed as Sweeper on 28.08.2008, was granted benefit of conversion as Office Assistant. So stating, the petitioner has submitted a representation dated 15.09.2016 to the respondent and despite receiving the same, no orders have been passed. Therefore, the present petition came to be filed.

6. The learned counsel for the respondent is agreeable to consider the representation of the petitioner and to pass orders in the light of G.O.Ms.No.1077 dated 01.12.1987 and also in the light of the similar orders passed in favour of one Kanagaraj.

7. Accordingly, the respondent is directed to consider the representation of the petitioner dated 15.09.2016 in the light of G.O.Ms.No.1077 dated 01.12.1987 and also in the light of the similar orders passed in favour of one Kanagaraj and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

+1 CC to Mr.S.C.HEROLD SINGH, Advocate, SR No.61066

+1 CC to Mr.V.R.SHANMUGANATHAN, Advocate, SR No.61643

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SH/KM:02.11.2016:2P/3C