



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.21344 of 2016

and

W.M.P (MD) No.15260 of 2016

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Iyyappan

: Petitioner

Vs.

1.The Chief Secretary,
Secretariat, Chennai - 9.

2.The Secretary to the Government.
Rural Development Department,
Government of Tamil Nadu,
Chennai.
(The name of the second respondent
is amended as per the fourth
paragraph of this order).

3.The Director,
Directorate of Panchayats,
Kuralagam, Chennai - 600 108.

4.The District Collector,
Kanyakumari District,
Nagercoil - 629 163.

5.The Assistant Director of Town Panchayath,
Nagercoil zone,
Nagercoil Post - 629 001.

6.The Executive Officer,
Thiruvithamcode Town Panchayath,
Thiruvithamcode Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to regularize the petitioner's service with effect from 26.08.1987 on time scale with arrears in accordance with Government Order No.385, Finance (Pay Division) Department, dated 01.10.2010.



For Petitioner : Mr.M.P.Hariprasad

For Respondents 1 to 5 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For Respondent No.6 : Mr.R.Velmurugan,
Government Advocate.

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O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to regularize the petitioner's service with effect from 26.08.1987 on time scale with arrears in accordance with G.O.Ms.No.385, Finance (Pay Division) Department, dated 01.10.2010.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader, who took notice for the respondents 1 to 5 and the learned Government Advocate, who took notice for the sixth respondent. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that the petitioner was appointed as a Sanitary Worker at Thiruvithamcode Town Panchayath through the Employment Exchange on daily wages basis on 26.08.1987. He has continued in that status as daily wages basis and his service was not regularised. The Government passed G.O.Ms.No.385, Finance (Pay Division) Department, dated 01.10.2010, under which, those who had put in a minimum of three years service, are eligible for regularisation. Therefore, he made a representation dated 30.10.2015 to the respondents, seeking to regularise his service. As his representation has not been considered, this writ petition has been filed.

4.The learned Special Government Pleader appearing for the respondents 1 to 5 would point that the second respondent has not been properly described in the Cause Title and the second respondent is "The Secretary to the Government, Rural Development Department, Government of Tamil Nadu, Chennai". In view of the same, the Registry is directed to amend the name of the second respondent in the Cause Title describing "The Secretary to the Government, Rural Development Department, Government of Tamil Nadu, Chennai".

5.The learned Special Government Pleader appearing for the respondents 1 to 5 would further submit that it is agreeable for the second respondent to consider the representation of the petitioner and to pass appropriate orders within a period of



6. Recording the submission made by the learned Special Government Pleader appearing for the respondents 1 to 5, the second respondent is directed to consider the representation of the petitioner dated 30.10.2015 in the light of G.O.Ms.No.385, Finance (Pay Division) Department, dated 01.10.2010 and pass orders on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Chief Secretary, Secretariat, Chennai - 9.
2. The Secretary to the Government.
Rural Development Department,
Government of Tamil Nadu, Chennai.
3. The Director,
Directorate of Panchayats, Kuralagam, Chennai - 600 108.
4. The District Collector,
Kanyakumari District, Nagercoil - 629 163.
5. The Assistant Director of Town Panchayath,
Nagercoil zone, Nagercoil Post - 629 001.
6. The Executive Officer,
Thiruvithamcode Town Panchayath,
Thiruvithamcode Post, Kanyakumari District.

+1 cc to M/s.M.P.Hariprasad, Advocate in SR.No. 67282
+1 cc to M/s.R.Velmurugan, Advocate in SR.No. 67196
+1 cc to The Special Government Pleader in SR.No. 66999

smn

CSL/PV/15.11.2016: 3P/10C

ORDER MADE IN

W.P(MD)No.21344 of 2016

and W.M.P(MD)No.15260 of 2016

08.11.2016