

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 12.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1057 of 2017

D.Gopinath

... Petitioner

-Vs-

1. The Principal secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department, fort St.George, Chennai -9.
 2. The Commissioner of Municipal Administration, Chepauk, Chennai - 5.
 3. The Commissioner, Sembakkam Municipality, Chennai-73.
- ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on the representation dated 11.11.2016 which has been preferred by the petitioner seeking to regularize the petitioner's service with effect from 01.10.2003 i.e., the date on which the petitioner had completed 10 years of service i.e., from 01.10.1993 by taking into account G.O.(Ms.)No.22 P & AR Department dated 28.02.2006, G.O.(MS)No.242 Municipal administration and water Supply (TP-I) Department dated 10.12.2009 and G.O.(D) No.222 Municipal Administration and water Supply (TP-I) Department dated 23.05.2016 with all monetary and other attendant benefits.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.P.Sanjai Gandhi,
Addl.Govt. Pleader for R1 and R2
Mr.S.Gunasekaran,
Addl.Govt.Pleader for R3

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner was initially appointed as a typist on daily wage basis from 01.10.1993. Pursuant to G.O.(Ms) No.125 Municipal Administration and Water Supply Department of the first respondent dated 27.05.1999, he was posted as Office Assistant in Senthamangalam Selection Grade Town Panchayat, Namakkal District on consolidated pay. He joined duty on 07.06.2001 and continued in the capacity till 30.06.2001. Due to family circumstances, he could not continue there. In the meanwhile, he joined duty as typist cum computer operation in Pallikaranai Town Panchayat, which has now been merged to Chennai Corporation, on 01.08.2001 on daily wage basis. According to the petitioner, as per G.O.Ms.No.22 P & A R Department dated 28.02.2006 and G.O.(Ms) No.242 Municipal Administration and Water Supply (TP-I) Department dated 10.12.2009, the employees who had completed 10 years of service on daily wage basis has to be regularised and the 3rd respondent has also made a positive recommendation to the first respondent through the 2nd respondent vide communication dated 14.11.2016. Since no order has been passed, he came forward to file this writ petition.

3. Heard the submission of the learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Additional Government Pleader who accepts notice for the 1st and 2nd respondents and Mr.S.Gunasekaran, learned Additional Government Pleader who accepts notice on behalf of the 3rd respondent.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to act on the recommendation / proposal of the 3rd respondent dated 14.11.2016 made in Na.Ka.No.195/2015 and forward the same to the 1st respondent within a period of six weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the proposal/ recommendation from the 2nd respondent, shall pass orders in accordance with law within a further period of eight weeks and communicate the decision taken to the petitioner as well as the 3rd respondent. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsi

To

1. The Principal secretary to Government
of Tamil Nadu,
Municipal Administration and Water Supply
Department, fort St.George,
Chennai -9.
2. The Commissioner of Municipal Administration,
Chepauk,
Chennai - 5.
3. The Commissioner,
Sembakkam Municipality,
Chennai-73.

- 1 cc to Mr.N. Kolandaivelu, Advocate, Sr. 3517
1 cc to Mr.S. Gunasekar,. Advocate, sr. 3562
1 cc to Government Pleader, Sr. 3144

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