

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.482 of 2017

M.Munusamy

...Petitioner

vs.

The Chief Executive Officer,
Cantonment Board,
St.Thomas Mount cum Pallavaram,
Chennai-600 016.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider his application dated 19.10.2016 and to call for the petitioner for interview conducted for the post of Safaiwala as per the notification No.STM/ADM/Employ/2016/2644 dated 20.09.2016.

For Petitioner : Mr.K.Kathiresan
For Respondent : Mr.Chevanan Mohan

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that he belongs to Scheduled Caste Community and studied up to VIII Standard and he is employed as Sweeper on daily wage basis by the respondent Board and he was called for interview for temporary post of Safaiwala (Sweeper) on daily wages basis through the District Employment Office, Kanchipuram and in pursuant to the interview conducted on 30.12.2010, he was selected as Sweeper on daily wage basis and he is continuing in that capacity as of now. The petitioner would aver that initially he was paid a sum of Rs.9,000/- as salary and now he is being paid Rs.12,000/- as Salary and Provident Fund, Employees State Insurance contribution were also deducted from his salary. The

petitioner would further aver that the respondent called for applications for filling up the post of Safaiwala (Sweeper) on 20.09.2016 for filling up 24 posts in the Pay Scale of Rs.4800-10000 + 1300 Grade Pay and according to the petitioner, for Departmental Candidates, the upper age limit prescribed is 35 years. The petitioner has also submitted his application on 19.10.2016 and was expecting interview call letter, however he has not received the same. The petitioner, in this regard, has also approached the respondent and asked as to why he has not been issued with any interview call letter and since no proper response is forthcoming, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that admittedly the petitioner is employed in the temporary post of Sweeper on daily wage basis and therefore, he is to be considered as Departmental Candidate and admittedly, as per the notification, the age limit prescribed for Departmental Candidates is upto 35 years and as such, he should have been called for interview and prays for appropriate orders.

4. The learned counsel appearing for the respondent, on instructions, would submit that the upper age limit prescribed for Safaiwala (Sweeper) General Category is 25 years and for Reserved Category is 30 years and admittedly, the petitioner is aged about 34 years and hence, hall ticket was not issued to him and the interview is also scheduled to be held on 08.01.2017. Insofar as the contention put forward by the petitioner that he should be considered as Departmental candidate, it is the submission of the learned counsel appearing for the respondent that the petitioner's service is yet to be regularized and admittedly, he is working in a temporary capacity and therefore, he cannot be construed as Departmental candidate and once again reiterated his submission that since the petitioner has crossed the upper age limit for Reserved Category, he has not been issued with interview call letter.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. In the considered opinion of the Court, the petitioner is working in temporary capacity of Sweeper on daily wage basis and his services are yet to be regularized and as such, he cannot be construed as Departmental candidate. If the petitioner is of the view that his services are to be regularized, the remedy open to him is to invoke the jurisdiction of the competent forum. The petitioner is aged about 34 years and as per the notification, the upper age limit prescribed for General Category is 25 years and for Reserved Category, namely SC/ST, the upper age limit prescribed is 30 years and since the petitioner has crossed the said limit, he has not been issued with interview call letter.

7. In the light of the above facts and circumstances, this Court is of the view that the prayer sought for by the petitioner cannot be granted. Therefore, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

The Chief Executive Officer,
Cantonment Board,
St.Thomas Mount cum Pallavaram,
Chennai-600 016.

+lcc to Mr.kethiresan, Advocate, S.R.No.1391

+lcc to Mr.King and Partridge, Advocate, S.R.No.1502

AD(CO)
RS(01/02/2017)

W.P.No.482 of 2017

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