

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4971 of 2017

A.Ashokkumar

..Petitioner

Vs

1. The Director of Town Panchayat
Office at Kuralagam, First Floor,
Broadway,
Chennai - 600 108.

2. The Executive Officer,
Chinna Salem Town Panchayat,
Chinna Salem,
Villupuram District.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation dated 21.12.2016 submitted by the petitioner for regularising his service as Sanitary Worker with retrospective effect from the date of his initial appointment on 10.12.1998 instead of 11.09.2000 and pass appropriate orders thereon on merits and in accordance with law within a time limit to be specified by this Court.

For Petitioner: Mr.E.Manikandan

For Respondents: Mr.K.Dhananjayan

Special Government Pleader.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of respondents.

2. The petitioner joined the services of the 2nd respondent as a Sanitary Worker on 10.12.1998 and claims that for the past 18 years he was discharging his duties honestly, sincerely to the utmost satisfaction of the superior officers. The petitioner would further stated that vide order dated

11.09.2000, his services were regularised and he was brought into time scale of pay with effect from 10.06.2000. The grievance expressed by the petitioner is that in respect of the persons similarly placed, they were according with the time scale of pay right from the date of initial appointment. In this regard, the petitioner also submitted a representation dated 21.12.2016 to the 1st respondent through proper channel and inspite of receipt and acknowledgment, no orders have been passed so far and hence, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that since in respect of the persons similarly placed like the petitioner, the benefit of time scale of pay is given from the date of initial appointment, the petitioner is also entitled to the same benefit.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondent would submit, admittedly, the time scale of pay was granted to the petitioner with effect from 10.06.2000 vide proceedings dated 11.09.2000 and he has not taken steps for nearly 16 years to redress the alleged grievance. Therefore, the present claim is hopeless and hit by delay and latches and therefore, prays for dismissal of this writ petition.

5. This Court heard the rival submissions and also perused the materials placed on records.

6. This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 21.12.2016 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

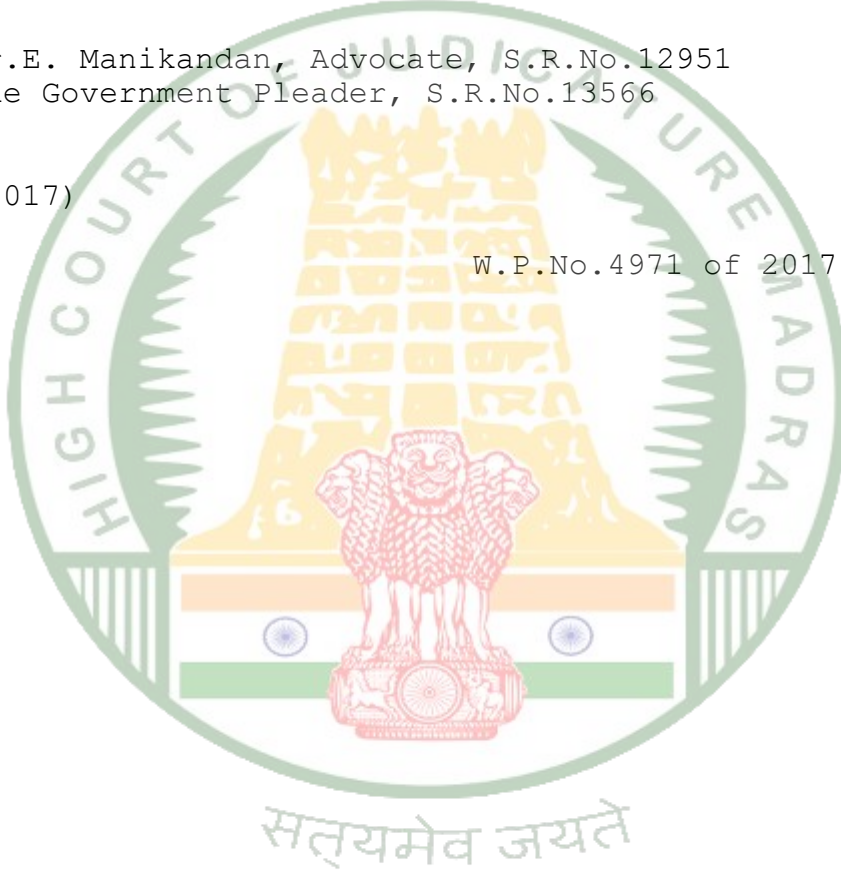
To

1. The Director of Town Panchayat
Office at Kuralagam, First Floor,
Broadway,
Chennai - 600 108.
2. The Executive Officer,
Chinna Salem Town Panchayat,
Chinna Salem, Villupuram District.

+1cc to Mr.E. Manikandan, Advocate, S.R.No.12951
+1cc to the Government Pleader, S.R.No.13566

NR II (CO)
md(15/03/2017)

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