

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3163/2017 & WMP.No.3101/2017

M.Murali

..

Petitioner

Vs

1.The Director of Town Panchayats
Ezhilagam, Chennai 600 005.

2.The Executive Officer
Palacode Town Panchayat
Palacode, Dharmapuri District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the 2nd respondent herein from appointing any third party candidate in the post of Garbage collection tractor driver in the office of the Palacode Town Panchayat, Palacode, Dharmapuri, without first considering the candidature of the petitioner [presently serving as garbage tractor driver] to the said post.

For Petitioner : Ms.R.Sridevi

For Respondents : Mr.P.Senthilvel, GA for R1
Mr.Era.Premnath, GA for R2

ORDER

By consent, the writ petition is taken up for final disposal. Mr. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.Era.Premnath, learned Government Advocate, accepts notice on behalf of the 2nd respondent.

2 The petitioner was initially appointed as Scavenging Staff in the office of the 2nd respondent and since he is the holder of Motor Driving License, he is authorised to drive Light Motor Vehicle, Motorcycle with gear and transport vehicles and he was also authorised to drive the vehicle bearing Registration No.TN-29-B-7214 which is used for collecting garbage. Subsequently, a new vehicle was procured bearing

Registration No.TN-29-AD-5328 and the petitioner was appointed as driver of the said vehicle on 02.03.2009. The grievance expressed by the petitioner is that though he is working as a scavenging staff and driver of the vehicle, his services is yet to be regularised despite the fact that he has put in continuous years of service and recently he came to understand that the 2nd respondent is going to recruit a new driver for the said vehicle and expressing apprehension that his services may be dispensed with / disengaged, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that since the petitioner is working for more than 16 ½ years, his claim for permanent appointment to the post of driver is to be considered before the 2nd respondent venture into the recruitment of a new driver and prays for appropriate orders.

4 Heard the submissions of Mr.P.Senthilvel, learned Government Advocate appearing for the 1st respondent and Mr.Era.Premnath, learned Government Advocate appearing for the 2nd respondent who would submit that the petitioner, based on assumption and surmises, had approached this Court and therefore, he is not entitled to any relief.

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

6 Though the petitioner has prayed 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, permits the petitioner to submit a representation to the respondents 1 and 2 seeking for regularisation and permanency in the post of driver within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 and 2 are directed to consider the said representation on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

sd/

Assistant Registrar (CS IV)

/true copy/

Sub Assistant Registrar

AP

To

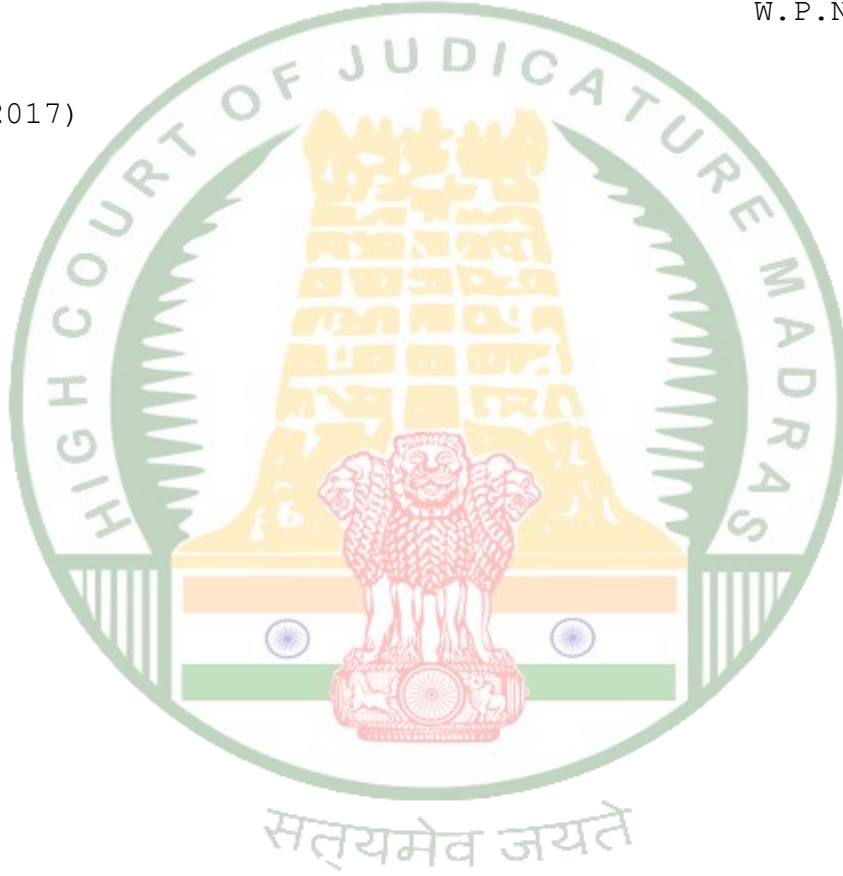
1.The Director of Town Panchayats
Ezhilagam, Chennai 600 005.

2.The Executive Officer
Palacode Town Panchayat
Palacode, Dharmapuri District.

+lcc to Mr.R.Selvakumar, Advocate SR.No.8268
+lcc to the Government Pleader SR.No.8864

W.P.No.3163/2017

RJ(CO)
GN(22/02/2017)



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