

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.14004 of 2017 and W.M.P. No.15214 of 2017

A. Sivan

... Petitioner

vs.

1. The Government of Tamil Nadu
represented by its Secretary
Municipal Administration & Water Supply (T.P.) Department
Fort St. George
Chennai 600 009

2. The Director of Town Panchayats
Kuralagam Building
Chennai 600 108

3. The Assistant Director of Town Panchayats
Nagercoil Region
Kanyakumari District

4. The Executive Officer
Arumanai Town Panchayat
Arumanai Post
Kanyakumari District - 629 402

... Respondents

Writ Petition under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to create one post of Driver for one vehicle, the vehicle purchased by the fourth respondent town panchayat for removal of garbage based on the proposal submitted by the 4th respondent in his proceedings Na.Ka.No.183/2013 dated 18.12.2013 and Na.Ka.No.183/2013 dated 28.12.2016 from the date of the issue of G.O. Ms. No.37, Municipal Administration and Water Supply Department (T.P. dated 01.02.2011) so as to enable the petitioner to get time scale of pay from 01.02.2011 after adjusting the consolidated pay to the petitioner.

For petitioner : Mr. P. Ebenezer Paul

For respondents 1 to 3 : Mr. V. Jayaprakash Narayanan
Special Government Pleader

For Respondents 4 : Mr. T.V.Inbanathan

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents 2 and 3 to create one post of Driver for one vehicle purchased by the fourth respondent Town Panchayat for removal of garbage, based on the proposal submitted by the 4th respondent in his proceedings Na.Ka.No.183/2013 dated 18.12.2013 and Na.Ka.No.183/2013 dated 28.12.2016 from the date of the issue of G.O. Ms. No.37, Municipal Administration and Water Supply Department (T.P. dated 01.02.2011) so as to enable the petitioner to get time scale of pay from 01.02.2011, after adjusting his consolidated pay.

2. The petitioner was appointed as Driver in the Arumanai Town Panchayat, the fourth respondent, on consolidated pay on 03.08.2009. As the petitioner had obtained Light Motor Vehicle driving licence and Heavy Motor Vehicle driving licence on 29.09.1994 and 12.07.2012 respectively, which are also registered in the Employment Exchange, Nagercoil, he was issued with the appointment order for a monthly salary of Rs.3,648/-. While so, the fourth respondent-Town Panchayat also passed resolution no.389 on 04.12.2013 stating that it requires a mini lorry to remove the solid waste/garbage, for taking the sanitary items and for cleaning streets. When the said resolution had already been passed by the fourth respondent, without considering the proposal submitted by the fourth respondent to the third respondent, the second respondent, vide proceedings dated 22.12.2016, has again called for a proposal from the fourth respondent and accordingly, the same was also furnished by the fourth respondent to the third respondent vide proceedings in Na.Ka.No.183 dated 28.12.2016.

3. At this stage, it is contended by the learned counsel for the petitioner that when the Government has already issued an order permitting the second respondent to create one post of Driver for one vehicle in each Town Panchayat, the respondents 2 and 3 cannot keep quiet without implementing the Government Order.

4. Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepting notice for the respondents, sought reasonable time to consider the proposal submitted by the fourth respondent.

5. Recording the aforesaid submission made by the learned Special Government Pleader, as a proposal has already been forwarded by the fourth respondent on 28.12.2016, the respondents 2 and 3 are directed to create one post of Driver for one vehicle and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary
Municipal Administration & Water Supply (T.P.) Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Director of Town Panchayats
Kuralagam Building
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3. The Assistant Director of Town Panchayats
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4. The Executive Officer
Arumanai Town Panchayat
Arumanai Post
Kanyakumari District

+1cc to Mr.P.Ebenezer Paul, Advocate, S.R.No.40070
+1cc to the Government Pleader, S.R.No.40288

W.P.No.14004 of 2017

GMI (CO)
CS/22/06/17

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