

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14541 of 2017

B.Sridharan

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.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
PalapallamTown Panchayat
Karungal Post, Kanyakumari District.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of 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 fourth respondent in his proceedings Na.Ka.No.341/2013/A1 dated 4.1.2014 from the date of the issue of G.O.Ms.No.37 Municipal Administration and Water Supply (T.P.) Department dated 1.2.2011 so as to enable the petitioner to get time scale pay from 1.2.2011 after adjusting the consolidated pay paid to the petitioner.

For Petitioner :: Mr.P.Ebenezer Paul

For Respondents:: Mr.T.M.Pappiah
Special Government Pleader
for R1 to 3
Ms.K.Bhuvaneswari
Government Advocate for R4

ORDER

This writ petition has been filed seeking a 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 fourth respondent vide proceedings Na.Ka.No.341/2013/A1 dated 4.1.2014 from the date of the issue of G.O.Ms. No.37, Municipal Administration and Water Supply (T.P.) Department 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 Palapallam Town Panchayat, the fourth respondent on 18.1.2009. As the petitioner had obtained Light Motor Vehicle driving licence on 22.7.98 and Heavy Motor Vehicle driving licence on 4.9.2003 and also registered his name in the Employment Exchange, Nagercoil, he was issued with the appointment order. While so, the fourth respondent-Town Panchayat also passed resolution no.647 on 30.12.2013 stating that it requires a mini lorry to remove the solid waste/garbage, for taking the sanitary items and for cleaning streets and a proposal to this effect was also submitted by the fourth respondent on 4.1.2014 to the third respondent, which is still under consideration.

3. At this stage, it is contended by the learned counsel for the petitioner that when the Government had 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.T.M.Pappiah, learned Special Government Pleader, accepting notice for the respondents 1 to 3, 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 way back on 4.1.2014, 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 this direction, the writ petition stands disposed of. Consequently, W.M.P.No.15766 of 2017 is closed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ss
To

1. The Secretary to Government
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
Palapallam Town Panchayat
Karungal Post, Kanyakumari District

+1cc to Mr.P.Ebenezer paul, Advocate sr.41302

+1cc to Government Pleader sr.42095

सत्यमेव जयते

W.P.No.14541 of 2017

msm(co)
ss(22/6/2017)

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