

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3740 of 2017

and WMP No.3797 of 2017

C. Palani

..Petitioner

Vs

1. The Secretary to Government of Tamil Nadu,
Rural Development,
Fort. St. George,
Chennai - 600 009
2. The Director,
Rural Development and Municipal Administration,
Panagal Building,
Saidapet,
Chennai - 600 015
3. The District Collector and Inspector of Panchayat,
Dharmapuri District,
Dharmapuri-5
4. The Assistant Director of Panchayat,
Dharmapuri District,
Dharmapuri - 5
5. The Commissioner/Block Development Officer,
Pennagaram Panchayat Union,
Pennagaram,
Dharmapurai District
6. The Panchayat President,
Nagamarai Village Panchayat,
Nagamarai, Pennagaram Taluk,
Dharmapuri 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 sanction time scale of pay to the petitioner from the date of his completion of 3 years of service that is 19.01.2011 along with arrears and regularise his service as sweeper in the 6th respondent panchayat based on the Na.Ka.No.19565/2015/N2 dated 03.12.2015 by the 3rd respondent.

For Petitioner : Mr.M. Selvam
For R.1 to R.4 : Mr.R.A.S. Senthilvel
Additional Government Pleader
For R.5 and R.6: Mr.C.C. Rengarajan
Govt. Advocate

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4 and Mr.C.Rengarajan, learned Government Advocate accepts notice on behalf of respondents 5 and 6.

2. The petitioner was appointed as a Sweeper in the service of the 6th respondent on 18.01.2008. According to him, as per G.O.Ms.No.39 of the 1st respondent dated 07.05.2013, he is entitled to the time scale of pay and other consequential benefits. The petitioner, in this regard, has also filed W.P.No.23155/2015 against the respondents 3, 4, 5 and 6 praying for appropriate direction, directing them to pay the time scale of pay on completion of 3 years of service with effect from 19.01.2011 along with arrears and to regularise the petitioner's service as sweeper and it was disposed of on 31.07.2015 directing the 1st respondent to dispose of the representation of the petitioner dated 16.03.2015 on merits and in accordance with law within twelve weeks from the date of receipt of a copy of the order.

3. Learned counsel for the petitioner would submit that the office of the 3rd respondent has also sent urgent memo in Na.Ka.No.19565/2015/No.2 dated 03.12.2015 informing that the petitioner has completed 3 years of service on 19.01.2011 and despite receipt of the same, the first respondent is yet to pass orders. Therefore, the petitioner is constrained to file this writ petition.

4. This Court heard the submissions of Mr.R.A.S. Senthilvel, learned Additional Government Pleader appearing for respondents 1 to 4 and Mr.C.C.Rengarajan, learned Government Advocate appearing for the respondents 5 to 6.

5. This Court, taking into consideration the above facts and circumstances, directs the first respondent to act on the urgent memo bearing Na.Ka.No.19565/2015/No.2 dated 03.12.2015 sent by the 3rd respondent and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision

taken to the petitioner as well as the 5th and 6th respondents. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sd/

Assistant Registrar (CS II)

/true copy/

Sub Assistant Registrar

vsi

To

1. The Secretary to Government of Tamil Nadu,
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Chennai - 600 009
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6. The Panchayat President,
Nagamarai Village Panchayat,
Nagamarai, Pennagaram Taluk,
Dharmapuri District

+1cc to Mr.M.Selvam, Advocate SR.No.9831
+1cc to the Government Pleader SR.No.10208

W.P.No.3740 of 2017

KK (CO)
GN (02/03/2017)