

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No. 14803 of 2017
& W.M.P.No.16049 of 2017

C.Annamalai

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Block Development Officer,
Kalvarayanmalai Block at Vellimalai,
Villupuram District 606 207.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to regularise the service of the petitioner in the post of Night Watchman in the office of 2nd respondent with regular time scale of pay by considering the services rendered by him from 10.03.1997 and in the category of land displaced person, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader for R1
Mr.S.Gunasekaran for R2

O R D E R

The petitioner, after getting appointment as Night Watchman on temporary basis in the second respondent office on 10.03.1997 on daily wages basis, claims to have worked continuously for a long time, till he was refused employment last year. Therefore, he has given his representation on 23.03.2015 seeking the respondents to take him back in service by giving priority. As the said representation has not been considered, he has come to this Court seeking the aforementioned priority.

2. Mr.S.Gunasekaran learned counsel appearing on behalf of the second respondent, stoutly opposing the above prayer, submitted that the writ petition is not maintainable, since the petitioner is not entitled to ask for regularisation when he is not even in service, as he was already ousted from service a year ago.

3. But the record shows that when he was appointed as Night Watchman on 10.03.1997, his services were utilized till last year and thereafter he was not continuously employed. Therefore, the petitioner's representation dated 23.03.2015 shall be considered keeping in mind that his services were utilized for more than 20 long years, subject to his past performance and also attendance etc., within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

maya/ss

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Block Development Officer,
Kalvarayanmalai Block at Vellimalai,
Villupuram District 606 207.

+1cc to Government Pleader in sr.no.42286
+1cc to Mr.G.Sankaran, Advocate in sr.no.42157

W.P.No.14803 of 2017

KJI (CO)
NR 30/06/2017

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