

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15002 of 2017

P.Ebu Suresh Paul

.. 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
Nallur Town Panchayat
Marthandham 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.134/2013 dated 23.12.2013 and Na.Ka.No.145/2016/A1 dated 23.1.2017 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 10.2.2011 after adjusting the consolidated pay paid to the petitioner.

For Petitioner :: Mr.P.Ebenezer Paul

For Respondents:: Mr.M.Venugopal
Additional Government Pleader

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 in his proceedings Na.Ka.No.134/2013 dated 23.12.2013 and Na.Ka.No.145/2016/A1 dated 23.1.2017 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 of pay from 10.2.2011, after adjusting his consolidated pay.

2. The petitioner was appointed as Driver in the Nallur Town Panchayat, the fourth respondent, on 10.2.2011 on a monthly salary of Rs.2700/-. As the petitioner had obtained Light Motor Vehicle driving licence on 12.6.2000 and Heavy Motor Vehicle driving licence on 19.11.2010 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.417 on 5.12.2013 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 in Na.Ka.No.134/2013 on 23.12.2013 to the third respondent. But without considering the proposal submitted by the fourth respondent to the third respondent, the second respondent, vide proceedings dated 23.1.2017, 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.145/2016/A1 dated 23.1.2017.

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.M.Venugopal, learned Additional 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 Additional Government Pleader, as the proposals have already been forwarded by the fourth respondent way back on 23.12.2013 and 23.1.2017, 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.16241 of 2017 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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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
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3. The Assistant Director of Town Panchayats
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4. The Executive Officer
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Marthandham Post, Kanyakumari District

+1cc to Mr.P.Ebenezer Paul, Advocate, S.R.No.42178
+1cc to the Government Pleader, S.R.No.42519

W.P.No.15002 of 2017

RSY(CO)
RS(29/06/2017)

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