

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15003 of 2017

P.Robin .. 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
Allor Town Panchayat
Allor 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.A1/45/2014 dated 7.2.2014 and Na.Ka.No.A1/412/2016 dated 23.1.2017 in terms 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

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.A1/45/2014 dated 7.2.2014 and Na.Ka.No.A1/412/2016 dated 23.1.2017 in terms 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 1.2.2011, after adjusting his consolidated pay.

2. The petitioner was appointed as Driver in the Allor Town Panchayat, the fourth respondent, on 1.4.2009 on a monthly salary of Rs.1900/-. As the petitioner had obtained Light Motor Vehicle driving licence during 2001 and Heavy Motor Vehicle driving licence during 2004 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.275 on 5.2.2013 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.A1/45/2014 on 7.2.2014 to the third respondent. But 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.A1/412/2016 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.T.M.Pappiah, 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 the proposals have already been forwarded by the fourth respondent way back on 7.2.2014 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.16242 of 2017 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant 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
Allor Town Panchayat
Allor Post, Kanyakumari District

+1cc to Mr.P.Ebenezer Paul, Advocate, S.R.No.42177
+1cc to the Government Pleader, S.R.No.42530

W.P.No.15003 of 2017

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

WEB COPY