

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.15344 & 15345 of 2017

and

W.M.P. No.16638 & 16639 of 2017

Manimurugan ... Petitioner in W.P.No.15344/2017

C.Jayakumar ... Petitioner in W.P.No.15345/2017

vs.

1. The Government of Tamil Nadu,
rep.by its Secretary,
Municipal Admn. & 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, KK District.
... Respondents 1 to 3 in both WP's
4. The Executive Officer, Mylaudy (Grade I)
Town Panchayat, Mylaudy Post, KK District.
... Respondents No.4 in WP.15344/17
- 5.The Executive Officer, Vilavoor Town Panchayat,
Mulagumoodu Post, KK District.
... Respondent No.4 in WP.15345/17

Writ Petition under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to create one post of driver for one vehicle, the vehicle purchased by the 4th respondent town panchayat for removal of garbage based

on the proposal submitted by the 4th respondent in his proceedings Na. Ka. No. 23 /2014 /A1 dated 07.02.2014 and Na. Ka. No. 536 /2016/A1 dated 23.01.2017 in so far as W.P.No.15344 of 2017 and Na.Ka.No.A1/285/2014 dated 5.1.2017 in so far as W.P.No.15345 of 2017, from the date of the issue of G.O Ms No 37 Municipal Administration and Water Supply Department (T.P dated 01.02.2011) so as to enable the petitioner to get time scale pay from 01.02.2011 after adjusting the consolidated pay paid to the petitioner.

For petitioner : Mr. P. Ebenezer Paul

For RR1 to 3 : Mr. T.M.Pappiah
Special Government Pleader

For R4 : Mr.P.Senthilvel, Govt.Adv.

COMMON ORDER

Both these writ petitions have been filed seeking a writ of 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 4th respondent vide proceedings Na.Ka.No.23/2014/A1 dated 07.02.2014 and Na.Ka.No.536/2016/A1 dated 23.01.2017 and Na. Ka.No.A1/285/2014 dated 5-1-2017 respectively from the date of the issue of G.O. Ms. No.37, Municipal Administration and Water Supply Department (T.P. dated 01.02.2011) so as to enable the petitioner to get time scale of pay from 01.02.2011, after adjusting the consolidated pay to the petitioners.

2 The petitioners having been appointed as drivers to drive the vehicle purchased by the 4th respondent town panchayat and having been allowed to continue for all these years, are entitled to get the post of driver sanctioned and to get time scale of pay in terms of the G.O.Ms.No.23 Municipal Administration and Water Supply (T.P.) Department, dated 3.3.1998.

3 At this stage, it is contended by the learned counsel for the petitioner that when the Government has already issued an order permitting the second respondent to create one post of Driver for one vehicle in each Town Panchayat, with HMV licence, persons serving in town panchayat as NMR/daily wage basis are ordered to be absorbed provided they possess HMV driving licence, 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 a proposal has already been forwarded by the respective fourth respondent on 05.01.2017, 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.

6. With the above direction, both the writ petitions stand disposed of. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AT/gr.

To

- 1.The Secretary, Municipal Administration & Water Supply (T.P.)
Department, Government of Tamil Nadu,
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, Mylaudy (Grade I) Town Panchayat
Mylaudy Post, Kanyakumari District.
5. The Executive Officer, Vilavoor Town Panchayat,
Mulagumoodu Post, K.K.District.

+1cc to Mr.P.E.Ebenezer paul, Advocate SR.No.42863
+1cc to Government Pleader, SR.No.43108/17
+1cc to Mr.P.Ebenezer paul, Advocate SR.No.42864(01/08/2017)

W.P. No.15344 & 15345 of 2017

GN(14/07/2017)