

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1592/2017

B.Mothilal Rao

..Petitioner

Vs

1.The Secretary to Government
Finance [PC] Department, Fort
St George, Chennai 600 009.

2.The Commissioner
Villupuram Municipality
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to consider the representation dated 05.05.2016 with the time prescribed by this Court.

For Petitioner : Mr.A.R.Nixon
For R1 : Mr.K.Dhananjayan, Spl.GP
For R2 : Mr.S.Diwakar, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.S.Diwakar, learned Special Government Pleader accepts notice on behalf of the 2nd respondent.

2 The petitioner would state that he was appointed as Health Assistant on 11.09.1978 and promoted as Sanitary Inspector and retired from service on attaining the age of superannuation on 30.11.1995 and according to the petitioner, he has rendered continuous, hard, sincere and blemishless service between 21.01.1959 and 30.11.1995. The petitioner would further state that he had also temporarily worked in the post of Drug Inspector between 29.01.1959 and 30.06.1976 and the details of

which, have been given in paragraph No.3 of the affidavit and it is relevant to extract the same:-

Working Station	Appointment Order and date	Designation	Period
National Filaria Control Unit, Vellore [N.A.District]	Roc.No.662/1956 dated 29.01.1959	Drug Distributor	29.01.1959 to 30.10.1960
National Malaria Eradication Programme, Vellore Unit [N.A.District]	Roc.No.3670/1959 dated 18.04.1960	Superior filed Worker	21.06.1960 to 01.12.1962
National Malaria Eradication Programme, Vellore Unit [N.A.]	Roc.No.8455/12 Sy.V.O./62 dated 20.11.1962	Surveillance Inspector	02.12.1962 to 16.06.1964
Panchayat Union Office, Walajapet, [N.A.]	Roc.No.4947/65 dated 05.08.1965	Health Assistant	05.08.1965 to 17.07.1968
Panchayat Union Office, Anakkavur, {N.A.]	Roc.No.A2/701/69 dated 15.02.1969	Health Assistant	16.02.1969 to 31.05.1969
Thiruvottiyur Municipality, Madras-19	Roc.No.381/A2/1-2 dt.09.02.1972	Health Assistant	09.02.1972 to 08.05.1972
Thiruvottiyur Municipality, Madras-19	Roc.No.381/A2/1-2 dated 31.05.1972	Health Assistant	01.06.1972 to 31.08.1972
Thiruvottiyur Municipality, Madras-19	Roc.NO.381/A2/1-2 dated 21.09.1972	Health Assistant	20.09.1972 to 21.12.1972
Thiruvottiyur Municipality, Madras-19	Roc.No.72H dated 27.10.1973	Health Assistant	30.01.1973 to 29.04.1973
Thiruvottiyur Municipality, Madras-19	Roc.No.7/73 dated 02.05.1973	Public Health Maistry	02.05.1973 to 22.07.1973

Working Station	Appointment Order and date	Designation	Period
Thiruvottiyur Municipality, Madras-19	Roc.No.5137/73H dated 21.07.1973	Cholera Ordelier	23.07.1973 to 29.09.1973
Thiruvottiyur Municipality, Madras-19	Roc.No.381/73H dated 24.10.1973	Health Assistant	26.10.1973 to 25.01.1974
Thiruvottiyur Municipality, Madras-19	Roc.No.381/73H dated 24.01.1974	Health Assistant	06.05.1974 to 21.05.1974
Thiruvottiyur Municipality, Madras-19	Roc.No.7/74H dated 29.05.1974	Health Assistant	01.06.1974 to 30.06.1974
Thiruvottiyur Municipality, Madras-19	Roc.No.6486/73H dated 29.08.1974	Health Assistant	02.09.1974 to 28.11.1974
Thiruvottiyur Municipality, Madras-19	Roc.No.1446/75H dated 11.02.1975	Health Assistant	11.02.1975 to 09.03.1975
Thiruvottiyur Municipality, Madras-19	Roc.No.381/73H dated 24.01.1974	Health Assistant	06.05.1974 to 21.05.1974
Thiruvottiyur Municipality, Madras-19	Roc.No.6486/73H dated 09.04.1975	Health Assistant	10.04.1975 to 01.07.1976
Total Service			
As per High Court order in WP.No.22180/2009 dated 20.10.2009			
Total Qualifying Service	30 years 6 months 8 days		

3 It is the claim of the petitioner that the entire service rendered by him from 02.09.1974 to 30.12.1974 and 19.05.1975 to 30.06.1975 as Health Assistant, has been regularised and the age limit was also relaxed by means of an order in G.O.Ms.No.859, Health and Family Welfare Department dated 24.05.1978 and necessary entries have been made in the Service Register. The grievance expressed by the petitioner is

that the entire service rendered by him, have not been taken into account for calculating the emoluments and in this regard, repeatedly, the petitioner has sent series of representations and last of such representation was submitted on 05.05.2016 and the Municipal Administration and Water Supply Department, Chennai-9, has forwarded the same to the Commissioner of Municipal Administration, vide letter dated 25.07.2016 and the said official, in turn, has sent a communication dated 07.10.2016 in Na.Ka.No.21275/2012/A1 to the 3rd respondent to take appropriate action and to inform the petitioner and however, the petitioner is yet to be favoured with any kind of response and therefore, he came forward to file the present writ petition.

4 Heard the submissions of the learned counsel for the petitioner ; Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.S.Diwakar, learned Special Government Pleader appearing for the 2nd respondent.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 2nd respondent to act on the communication of the Commissioner of Municipal Administration, dated 07.10.2016 in Na.Ka.No.21275/2012/A1 as well as consider and dispose of the petitioner's representation dated 05.05.2016 on merits and in accordance with law and pass orders 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.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

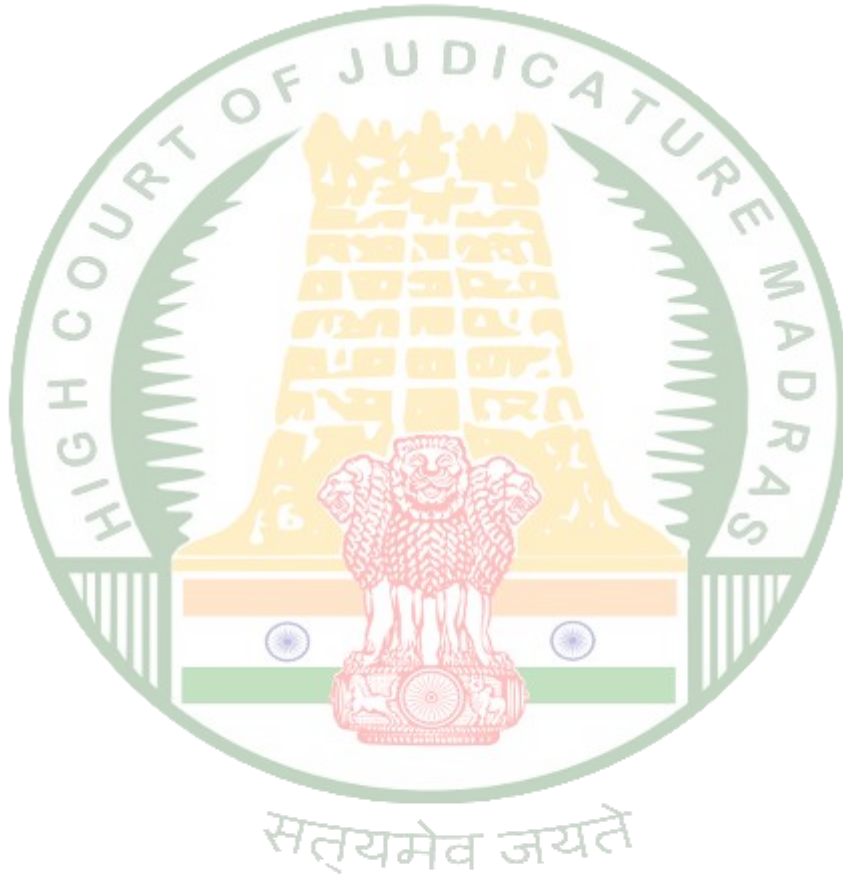
- 1.The Secretary to Government
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2.The Commissioner
Villupuram Municipality
Villupuram.

+1cc to Mr.A.R. Nixon, Advocate, S.R.No.4342
+1cc to the Government Pleader, S.R.No.4362

tm(CO)
md(10/02/2017)

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