

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.28802 of 2017
and
W.M.P.No.30993 of 2017

K.Iyyappan

... Petitioner

Vs.

1.The Commissioner of Municipal
Administration and Water Supply,
Chepauk, Chennai.

2.The Commissioner,
Panruti Municipality,
Panruti, Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in connection with Notice in Na.Ka.No.5445/2016/C1 dated 20.07.2017 and quash the same and consequently, direct the respondents to appoint the petitioner in any of the existing post with regular scale of pay to which he is eligible on the basis of Memo in Na.Ka.No.5424/2016/B3, dated 18.01.2017 and as per (i) G.O.Ms.No.125, Municipal Administration and Water Supply (Na.Pa.3) Department dated 27.05.1999 and (ii) Government Letter No.29251/Na.Pa.3/99, dated 14.01.2000 and (iii) G.O.Ms.No.21, Municipal Administration and Water Supply (MC.3) Department, dated 23.02.2006 at the office of the 2nd respondent with all benefits.

For Petitioner : Mr.T.Aananthi

For Respondents : Mr.V.Jayaparaksh Narayanan, Spl GP
(For R1)

Mr.P.V.Selvakumar (For R2)

ORDER

Mr.V.Jayaparakash Narayanan, learned Special Government Pleader, took notice for the 1st respondent and Mr.P.V.Selvakumar, learned standing counsel, took notice for the 2nd respondent.

2.This writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the file of the 2nd respondent in connection with Notice in Na.Ka.No.5445/2016/C1 dated 20.07.2017 and quash the same and consequently, to direct the respondents to appoint the petitioner in any of the existing post with regular scale of pay, on the basis of Memo in Na.Ka.No.5424/2016/B3, dated 18.01.2017 and as per (i)G.O.Ms.No.125, Municipal Administration and Water Supply (Na.Pa.3) Department dated 27.05.1999 and (ii) Government Letter No.29251/Na.Pa.3/99, dated 14.01.2000 and (iii)G.O.Ms.No.21, Municipal Administration and Water Supply (MC.3) Department, dated 23.02.2006.

3.This Court is unable to entertain this writ petition, the reason is that at the outset, it is mentioned that the petitioner was employed as Non-Masdoor Roll (NMR) on daily wages basis from 01.11.1995 till 31.03.1997, with the 2nd respondent, Panruti Municipality. Thereafter, he has not worked with the respondents department. When that being the case, the petitioner cannot seek the benefits of the government orders in Na.Ka.No.5424/2016/B3, dated 18.01.2017, G.O.Ms.No.125, Municipal Administration and Water Supply (Na.Pa.3) Department dated 27.05.1999, Government Letter No.29251/Na.Pa.3/99, dated 14.01.2000 and G.O.Ms.No.21, Municipal Administration and Water Supply (MC.3) Department, dated 23.02.2006, for the reason that more than 20 years have gone by from the date he left the service of the respondent-department. This Court does not find any merit in the writ petition.

Hence, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ssv

To

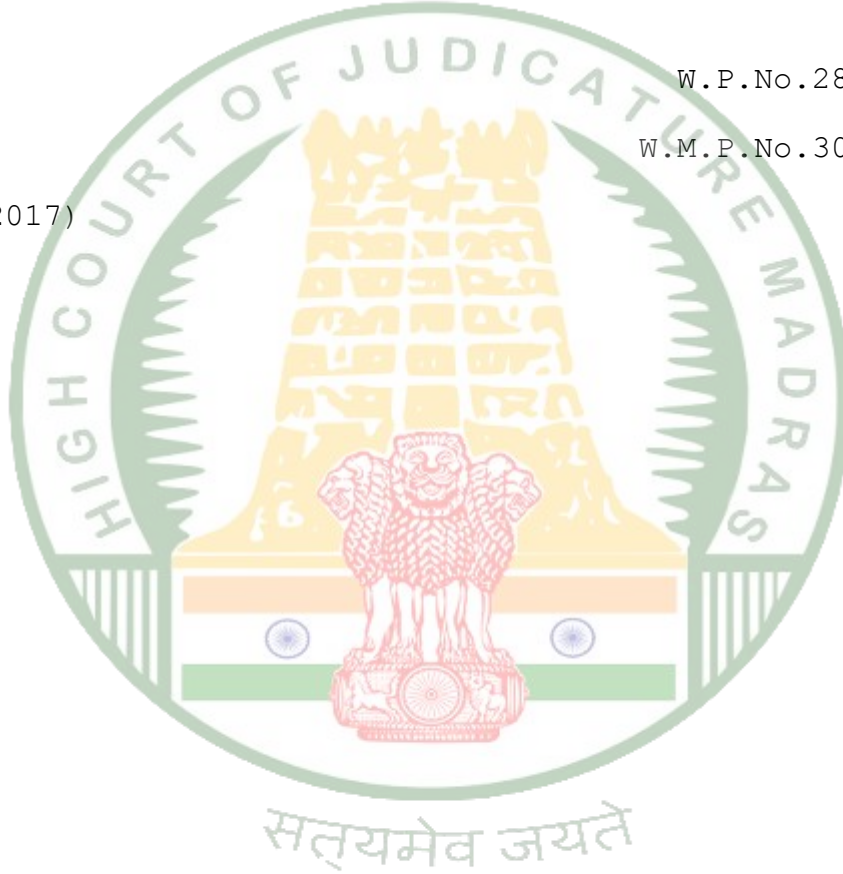
1.The Commissioner of Municipal
Administration and Water Supply,
Chepauk, Chennai.

2.The Commissioner,
Panruti Municipality,
Panruti, Cuddalore District.

+lcc to Mr.T.Aananthi, Advocate SR.No.79878
+lcc to Government Pleader SR.No.80947

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GN(06/12/2017)



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