

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8209 of 2015

V.Murugan

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep.by its Secretary  
Municipal Administration &  
Water Supply Department (MAWS),  
Secretariat,  
Chennai - 600 009.

2.The Director,  
Directorate of Town Panchayat,  
Kuralagam, Chennai - 600 108.

3.The Executive Officer,  
Selection Grade Town Panchayat,  
Nazereth,  
Thoothukudi District.

4.The Labour Inspector,  
Thoothukudi.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to grant all monetary and service benefits inclusive of leave and other benefits to the petitioner by taking into consideration petitioner's services both prior and after regularisation in service.

For Petitioner : Ms.P.Srividhya  
For R1, R2 & R4 : Mr.K.Dhananjayan  
Special Government Pleader  
For R3 : Mr.P.Chinnadurai

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O R D E R

Heard Ms.P.Srividhya, learned counsel appearing for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1, 2 and 4 and Mr.P.Chinnadurai, learned counsel appearing for the third respondent.

2.The relief sought for in this writ petition is for a direction to direct the respondents 1 to 3 to grant all monetary and service benefits inclusive of leave and other benefits to the petitioner by taking into account the services of the petitioner both prior and after the regularization of his services.

3.The learned counsel appearing for the writ petitioner submits that the writ petitioner was appointed as Metre Reader-cum-Mechanic in Udangudi Town Panchayat, Thoothukudi District on daily wages basis by appointment order dated 29.03.1989. Subsequently his services were regularized with effect from 2003. However, the learned counsel submits that the period of service had not been taken into account for the purpose of service benefits both before and after regularization. In this regard, the Court also passed an order in W.P.No.20462 and 35064 of 2003 and the appeal filed by the Enquiry Officer in W.A.Nos.510 of 2005 & 607 of 2005 were also rejected on 26.03.2008. Accordingly, the writ petitioner is entitled for the benefit of counting of his services both prior and after the regularization. In this regard, the writ petitioner submitted his representations on 02.03.2011, 15.07.2013, 30.10.2014 and on 14.01.2015. However, the decision is yet to be taken by the second respondent.

4.Thus, without going into the merits of the case, the second respondent is directed to consider the representations submitted by the writ petitioner and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS VI)

/TRUE COPY/

Sub Assistant Registrar

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To

1.The Secretary,  
State of Tamil Nadu,  
Municipal Administration &  
Water Supply Department (MAWS),  
Secretariat, Chennai - 600 009.

2.The Director,  
Directorate of Town Panchayat,  
Kuralagam, Chennai - 600 108.

3.The Executive Officer,  
Selection Grade Town Panchayat  
Nazereth, Thoothukudi District.

4.The Labour Inspector,  
Thoothukudi.

+1 C.C. to M/S.P.Chinnadurai Advocate SR.NO.66944/17

+1 C.C. to M/S.P.Srividhya Advocate SR.NO.67144/17

+1 C.C. to Government Pleader SR.NO.67766/17

W.P.No.8209 of 2015

SV(CO)  
T.R (10/10/2017)



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