

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.23905 of 2013

K.Rajashanmugam

.. Petitioner

Vs.

1. The Secretary to Government of
Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai - 9.

2. The Director of Town Panchayats,
Kuralagam, Chennai - 108.

3. The District Collector,
Coimbatore District, Coimbatore.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 and 2 to regularise the services of the petitioner as Bill Collector from the date of his initial appointment i.e. 07.09.2000 in the light of the order passed by this Court in W.P.No.19932 of 2008 dated 15.06.2011 and various Government Orders passed by the Government in G.O.Ms.No.407 MAWS Department dated 02.08.2001, G.O.Ms.No.158 MAWS Department dated 19.01.2012, G.O.Ms.No.34 MAWS Department dated 13.12.2006, G.O. (2D) No.71 MAWS Department dated 19.07.2013 and consequently direct the respondents to fix the seniority of the petitioner in the post of Bill Collector/Junior Assistant by taking into account his date of entry into service as 07.09.2000.

For Petitioner

.. Mr.N.Balamuralikrishnan

For Respondents

.. Mr.T.M.Pappiah,
Spl. Govt. Pleader

ORDER

The petitioner has approached this Court seeking the following relief:

writ of mandamus directing the respondents 1 and 2 to regularise the services of the petitioner as Bill Collector from the date of his initial appointment i.e. 07.09.2000 in the light of the order passed by this Court in W.P.No.19932 of 2008 dated 15.06.2011 and various Government Orders passed by the Government in G.O.Ms.No.407 MAWS Department dated 02.08.2001, G.O.Ms.No.158 MAWS Department dated 19.01.2012, G.O.Ms.No.34 MAWS Department dated 13.12.2006, G.O.(2D) No.71 MAWS Department dated 19.07.2013 and consequently direct the respondents to fix the seniority of the petitioner in the post of Bill Collector/Junior Assistant by taking into account his date of entry into service as 07.09.2000.

2. The case of the petitioner is that he was appointed as Bill Collector on compassionate ground on 06.09.2000 and has been continuing in service till date. The case of the petitioner is that though he is doing work continuously as Bill Collector for 16 long years, his service as such has not been regularised. According to the respondents, the services of the Bill Collector like the petitioner cannot be regularised for want of concurrence from the Tamil Nadu Public Service Commission.

3. Similarly placed persons like the petitioner whose services were not regularised and who are also compassionate appointees had approached this Court in several writ petitions and obtained directions for regularising their services. On the basis of the direction, the competent authority has submitted a proposal to the first respondent and after obtaining the clarification from the Tamil Nadu Public Service Commission, their services were eventually regularised under various Government Orders.

4. Mr.N.Balamuralikrishnan, learned counsel appearing for the petitioner, by way of additional typed set of documents, has filed various Government Orders in (1)G.O.Ms.No.407 Municipal Administration and Water Supply Department dated 02.08.2001, (2) G.O.Ms.No.146 Municipal Administration and Water Supply Department dated 16.04.2002, (3)G.O.(20years) No.34 Municipal Administration and Water Supply Department dated 13.12.2006, (4) G.O.(20 years) No.39 Municipal Administration and Water Supply Department dated 22.04.2009, (5)G.O.(2D) No.48 Municipal Administration and Water Supply Department dated 18.06.2010, (6) G.O.(2D) No.71 Municipal Administration and Water Supply (TP.1)

Department dated 19.07.2013 and (7)G.O.(3P)No.7 Municipal Administration and Water Supply Department dated 14.07.2014, by which several identically placed Bill Collectors/Junior Assistants whose services were not regularised came to be regularised subsequently with effect from the date of their original appointment after getting necessary concurrence from the Tamil Nadu Public Service Commission.

5. Learned Special Government Pleader appearing for the respondents would submit that in view of the absence of concurrence/clarification from the Tamil Nadu Public Service Commission, the services of the petitioner could not be taken up for regularisation by the competent authority. As regards the other averments and the contentions put forth by the learned counsel for the petitioner, the same has not been disputed by the learned Special Government Pleader for the respondents.

6. In view of the above admitted position in regard to the circumstances of the case and also in regard to the other similarly placed persons being regularised on the basis of the directions issued by this Court, this Court has no hesitation to allow the present writ petition also. In view of the above, there shall be a direction to respondents 1 and 2 to initiate steps to regularise the service of the petitioner as Bill Collector from the date of his initial appointment with all attendant and consequential benefits including promotion to the next higher grade when the same becomes due, after getting necessary concurrence/clarification from the Tamil Nadu Public Service Commission on the lines of similar Government Orders as cited supra.

7. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order. The writ petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government of
Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai - 9.
2. The Director of Town Panchayats,
Kuralagam, Chennai - 108.
3. The District Collector,
Coimbatore District, Coimbatore.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.59881
+1cc to the Government Pleader, S.R.No.59951

W.P.No.23905 of 2013

AR(CS V)
CS/12/09/17



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