



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.173 of 2014
and
M.P. (MD) No.1 of 2014

The Executive Officer
Aravakurichi Town Panchayat
Aravakurichi
Karur District

... Appellant

-vs-

1.P.Thangarasu

2.The Director of Town Panchayats
Kuralagam
Chennai-600 108

3.The Assistant Director of Town Panchayats
Dindigul Region
Collectorate Complex
Dindigul
(No relief is sought against R2 & R3
hence they may be given up)

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order, dated 13.09.2011, made in W.P.(MD) No.547 of 2011.

WP (MD) . 547/ 2011 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to regularize the petitioner's service in the post of Sanitary Worker with effect from 11-11-2001 i.e., the date on which the Petitioner completed 3 years of service on consolidated pay and consequently direct the Respondents to place the Petitioner on time scale of pay with effect from 11-11-2001 and pay arrears of pay and other attendant benefits payable to the Petitioner with effect from 11-11-2001.

For Appellant : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

For Respondents : Mr.A.Rahul for R1



J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

This writ appeal by the Executive Officer, Aravakurichi Town Panchayat, is directed against the order, dated 13.09.2011, made in W.P.(MD) No.547 of 2011.

2. The first respondent is the writ petitioner in W.P.(MD) No.547 of 2011. It is seen that along with W.P.(MD) No.547 of 2011, W.P.(MD) Nos.548 and 549 of 2011 were tagged and all the writ petitions were disposed of by a common order, dated 13.09.2011. In respect of the orders passed in the other writ petitions, namely, W.P.(MD) No.548 and 549 of 2011, Executive Officer, Aravakurichi Town Panchayat preferred W.A.(MD) Nos.172 and 173 of 2012 and they were dismissed by the Division Bench vide Judgment, dated 21.03.2012. Pursuant to the said Judgment, dated 21.03.2012, the Government passed G.O.(D) No.34, Municipal Administration and Water Supply (TP.1) Department, dated 23.01.2013 and implemented the order passed by the Division Bench, including the first respondent / writ petitioner as could be seen from Serial No.1 of the Annexure to the Government Order. Thereafter, the appellant / Executive Officer, Aravakurichi Town Panchayat has also passed a consequential order, dated 29.01.2013. In such circumstances, the writ appeal has to necessarily fail and the writ appeal is, therefore, liable to be dismissed.

3. In the result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

1.The Director of Town Panchayats,
Kuralagam,Chennai-600 108.

2.The Assistant Director of Town Panchayats,
Dindigul Region, Collectorate Complex, Dindigul.

+1cc to M/S.A.RAHUL, Advocate SR.No.59662

+1cc to Special Government Pleader, SR.No.59877

krk / ia

MAS/KKR/SAR1:22.06.2017:2P-5C

W.A.(MD) No.173 of 2014
and

M.P.(MD) No.1 of 2014
12.06.2017