



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR**W.P. (MD) .No.15243 of 2016**

T.Mariappan

..Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director of Town Panchyat,
Madurai Zone,
Madurai.

3.The Executive Officer,
Seithur Town Panchayath,
Seithur,
Rajapalayam Taluk,
Virudhunagar District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus direction in the nature of a writ, directing the 3rd respondent to consider the petitioner's representation dated 04.06.2016 and appoint the Petitioner as Sweeper in the 3rd respondent Town Panchayat.

For Petitioner	:Mr.K.Sudalaiyandi
For R1 and R2	:Mr.N.S.Karthikeyan Additional Government Pleader
For R3	:Mr.M.Rajarajan.

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 04.06.2016, and appoint the petitioner as Sweeper in the third respondent Town Panchayat.

2. The brief facts that are necessary for the disposal of Writ Petition are as follows:-

2.1.The petitioner was appointed temporarily in the respondent Panchayat as Waterman in the year 1988 for the monthly salary of Rs.600/-. Though he was permitted to continue to work as waterman, later by resolution dated 06.04.2005, under a scheme, after the scheme was over, once again the respondent Panchayat retained the petitioner to continue the job. The petitioner is therefore working in the third respondent Town Panchayat as Waterman for about nineteen years. Though the petitioner is qualified to the



post of Sweeper. However, the third respondent issued interview letters only to the persons whose names sponsored by the Employment Exchange to consider them for the post of Sweeper.

2.2. Since the third respondent did not issue interview letter to the petitioner, the petitioner sent a representation to the third respondent requesting him to participate in the interview considering the length of service, which he had in the third respondent Panchayat. Earlier, the petitioner has filed Writ Petition in W.P.(MD)No.21171 of 2014, and this Court was pleased to direct the third respondent to consider the petitioner's case by allowing the petitioner to participate in the interview for the post of Sweeper to be held on 24.12.2014.

3. Pursuant to the order of this Court, the petitioner was allowed to participate in the interview on 24.12.2014. Though the petitioner was selected by the third respondent to the post of Sweeper, the respondent did not issue any order of appointment to the petitioner.

4. According to the petitioner, the third respondent Town Panchayat convened meeting and in the meeting it was resolved to appoint the petitioner as Sweeper in the third respondent Town Panchayat. However, even thereafter the third respondent did not give appointment order to the petitioner. Hence, the petitioner has come up to the present Writ Petition.

5. It is in these circumstances, this Court called upon the learned counsel appearing for the third respondent to verify whether the Panchayat has also passed a resolution to appoint the petitioner in the post of Sweeper, considering his 17 years service in the same Panchayat. Today, Mr.M.Rajarajan, learned Counsel appearing for the third respondent has produced the copy of the resolution passed by the respondent Panchayat wherein the council has resolved to appoint the petitioner as a Sweeper. It is also represented that the appointment order will be issued in due course implementing the resolution of the council.

6. In such circumstances, this Court find that the prayer in the Writ Petition has already been granted and the third respondent has to implement the resolution of council. Hence, the third respondent is directed to issue the appointment order on the basis of the resolution passed by the council dated 26.02.2016, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director of Town Panchyat,
Madurai Zone,
Madurai.

3.The Executive Officer,
Seithur Town Panchayath,
Seithur,
Rajapalayam Taluk,
Virudhunagar District.

+1 CC to M/s. K.SUDALAIYANDI, Advocate, SR No. 16995

CMR/GSP

PSM/SV-MMS/21.04.2017/3P/5C

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