

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4161 of 2018

J.Sathyamoorthy

.. Petitioner

-vs-

1. The Secretary to Government
Municipal Administration and
Water Supply Department
Secretariat
Chennai 600 009
2. The Commissioner of Municipal Administration
Chepauk
Chennai 600 005
3. The Commissioner
Avadi Municipality, Avadi .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pass appropriate orders on the representation of the petitioner dated 18.1.2018, which was duly forwarded by the third respondent to the second respondent, as it was done to the similarly placed persons like Thiru Arokiaraj and others in G.O. (2D) No.96, Municipal Administration and Water Supply Department dated 22.10.2010, to regularise the services of the petitioner from 18.5.95, within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner:: Mr.T.Ranganathan

For Respondents:: Mr.R.S.Selvam
Government Advocate for R1 & 2
Mr.P.Srinivas
Standing Counsel for R3

ORDER

The petitioner joined the Avadi Municipality as NMR on 1.6.90 and since then, he was working continuously till 1995. On making a representation on 24.3.95 to the Secretary to Government, Municipal Administration and Water Supply Department to consider his case for appointment as Revenue Assistant in the existing vacancy in any one of the Municipalities, the first respondent called for remarks from the second respondent. Finally the third respondent-Commissioner, Avadi Municipality also submitted his proposal in Na.Ka.No.1811/95/E2 dated 27.4.95. In the meanwhile, the Commissioner, Vellore Municipality also has given the concurrence in his letter dated 8.5.95 to post the petitioner in the Vellore Municipality as against the existing vacancy as Bill Collector (now re-designated as Revenue Assistant) by relaxing the relevant Rule 3 (c) of the Tamil Nadu Municipal General Service Rules. Based on the proceedings passed by the Commissioner, Vellore Municipality, the petitioner was appointed as a Bill Collector in the existing vacancy by relaxing the relevant rules. Learned counsel for the petitioner also submitted that the Commissioner, Tambaram Municipality, in his proceedings in Mu.Mu.No.4909/C1 dated 18.10.2000, has declared his probation, as he did satisfactorily from 1995 to 1997, and regularised his services also as an approved probationer from that date. Since he has been continuing in the said post for the last 20 years, it is pleaded, the Commissioner, Avadi Municipality, the third respondent herein has sanctioned the selection and special grades scale of pay in his proceedings Mu.Mu.No.5269/15/H1 dated 23.6.2015 in the post of Revenue Assistant. In spite of all these, he has a grievance that his services are not regularised in the post of Revenue Assistant, for which has given a representation on 18.1.2018. But the same has not been considered. The learned counsel also submitted that similarly placed persons were also granted the benefit of regularisation in G.O.(2D) No.96, Municipal Administration and Water Supply Department dated 22.10.2010. Therefore, a direction be issued to consider the case of the petitioner also.

2. The learned Government Advocate, taking notice on behalf of the respondents, sought four weeks time to consider the pending representation of the petitioner.

3. Accepting his request, this Court hereby directs the first respondent to consider the representation of the

petitioner on merits and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Municipal Administration and
Water Supply Department
Secretariat
Chennai 600 009
2. The Commissioner of Municipal Administration
Chepauk, Chennai 600 005
3. The Commissioner
Avadi Municipality, Avadi

+1cc to Mr.T.Ranganathan , Advocate, S.R.No.14467
+1cc to the Government Pleader, S.R.No.14794

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PA(CO)
CS/22/03/18

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