

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.A.No.1332 of 2018 and CMP.No.10677 of 2018

1. The State of Tamil Nadu
rep. by the Secretary to Government,
Municipal Administration & Water Supply (TP)
Department, Fort St. George,
Chennai-9.

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

3. The Assistant Director of Town Panchayats,
Nagercoil Region, Kanyakumar District-1.

4. The Executive Officer,
Eranial Town Panchayat,
Kanniyakumari District. ... Appellants
Vs

M.Gopal ... Respondent

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 08.06.2017 made in W.P.No.14272/2017 by a learned Single Judge.

For Appellants :: Mr.P.S.Siva Shanmugasundaram,

Spl. Govt. Pleader

For Respondent :: ...

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 08.06.2017 made in W.P.No.14272/2017 by a learned Single Judge.

2. Heard the learned Special Government Pleader appearing for the appellants.

3. The writ appeal has been filed by the State challenging the correctness of the order passed by the learned Single Judge in giving a direction to the appellants to create one post of driver for one

vehicle.

4. Though notice was served on the respondent herein, there is no representation on behalf of him.

5. It is relevant to extract that in similar circumstances in W.A.Nos.587/2018 and etc. batch by judgment dated 26.3.2018, while modifying the order of the learned Single Judge, this Court has held as follows:

3. Though notice was issued and the respondent is represented by a counsel, so far, no counter is filed. The order passed by the learned Single Judge is to the effect that since already a proposal has been forwarded by the fourth respondent therein, one post of Driver for one vehicle has to be created so as to regularize the services of the writ petitioners. So far as the direction is concerned, it appears that it is totally uncalled for because of the fact that nature of appointment has not been examined and it is only contractual in nature. Moreover, a mandamus cannot be issued in case of appointment and to regularization of services. However, the authorities may consider, if they find that it so warrants and do the needful in accordance with law. The order passed by the learned Single Judge is modified with the above observation and the writ appeals are disposed of. No costs. The connected miscellaneous petitions are closed.

Following the same, with the above said modification of the order of the learned Single Judge, the present Writ Appeal is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

(H.G.R.J.) (M.K.K.S.J.,)

03.09.2018

Index : Yes\No

Internet : Yes

tsi

HULUVADI G.RAMESH,J.

and

K.KALYANASUNDARAM, J.

tsi

03.09.2018