

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.08.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 20918 OF 2018

M.Ananda Visvasam

.. Petitioner

- Vs -

1. The Secretary to Government
Municipal Administration &
Water Supply Department
Fort St. George, Cehnnai 600 009.

2. The Commissioner
Municipal Administration &
Water Supply Department
Chepauk, Cehnnai 600 005.

3. The Commissioner
Ramanathapuram Municipality
Ramanathapuram.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to regularise the service of the petitioner w.e.f. 2.6.1991 in pursuance to G.O. (D) No.125, Municipal Administration & Water Supply Department dated 27.5.1999 in the light of the representation made by him dated 11.1.2016 within a reasonable time.

For Petitioner : Mr. K.Venkataramani, SC, for
M/s. M.Muthappan

For Respondents: Mr.S.Suresh Kumar, GA for RR-1 & 2

ORDER

The writ petition has been filed by the petitioner seeking direction to the respondents to regularise the services of the petitioner with effect from 2.6.91 pursuant to G.O. (D) No.125, Municipal Administration & Water Supply Department, dated 27.5.99.

2. The brief facts, necessary for the disposal of this writ petition, are as under :-

The petitioner joined the services of the respondent on and from 2.6.91 on daily wage basis at Ramanathapuram Municipality. The petitioner was brought into the regular time scale of pay based on the direction issued by this Court in W.P. No.10407/2006 dated 17.4.16 and appointed as Revenue Assistant w.e.f. 29.5.06. In G.O. (D) No.125 dated 27.5.99, it was clarified that any person serving in any Municipality as daily wage labourer prior to 1.10.1996, based on vacancy available and depending upon the post available, the services of such persons should be regularised.

3. It is the claim of the petitioner that the case of one Padmanabhan has been regularised with effect from the year 2006, based on G.O. (D) No.21, Municipal Administration & Water Supply Dept., dated 23.2.06 and aggrieved over the date of regularisation, the said Padmanabhan made a representation to the Government and the same has been effectively considered by the Government in terms of the order passed in W.P. No.33321 of 2012. Based on the said order, the petitioner also being similarly placed, made a representation to the 2nd respondent on 11.1.16. It is the representation of the petitioner that though his services have been regularised w.e.f. 29.05.06, the services of the petitioner ought to have been regularised from the date of his initial appointment, i.e., 2.6.91. The 2nd respondent has favourably recommended the said representation submitted by the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. In the backdrop of the above facts, without going into the merits of the issue, this Court is of the considered view that it would suffice to direct the respondents to consider the representation submitted by the petitioner for regularisation of his service from the date of his initial appointment within a particular time frame.

6. Accordingly, this petition is disposed of with a direction to the respondents to consider the representation dated 11.1.2016, submitted by the petitioner for regularisation of his service from the date of his initial appointment, and pass orders thereon, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid direction. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
Municipal Administration &
Water Supply Department
Fort St. George, Cehnnai 600 009.
2. The Commissioner
Municipal Administration &
Water Supply Department
Chepauk, Cehnnai 600 005.
3. The Commissioner
Ramanathapuram Municipality
Ramanathapuram.

+1cc to the Government Pleader, S.R.No.56424.

KJI (CO)

rrs 18/09/2018

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सत्यमेव जयते

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