

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.3.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.637 of 2018
and
C.M.P.No.7031 of 2018

- 1 The Government of Tamilnadu
rep. by its Secretary
Municipal Admn. & Water Supply (TP) Dept.
Fort St. George Chennai 600 009
 - 2 The Director of Town Panchayats
Kuralagam Building Chennai 600 108
 - 3 The Assistant Director of Town Panchayats
Nagercoil Region Kanyakumari District
 - 4 The Executive Officer
Town Panchayat (Grade I), Mylaudy,
Mylaudy Post, Kanyakumari District.
- Appellants

Versus

Manimurugan

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.6.2017 passed in W.P.No.15344 of 2017 on the file of this court.

WP.No.15344 of 2017:Writ Petition filed under article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 2 and 3 to create one post of driver for one vehicle the vehicle purchased by the 4th respondent town panchayat for removal of garbage based on the proposal submitted by the 4th respondent in his proceedings Na.Ka. No.23/ 2014/ A1 dated 7.2.2014 and Na.Ka. No.536/ 2016/ A1 dated 23.1.2017 from the date of the issue of G.O.ms. No.37 Municipal Administration and Water Supply Department (T.P. dated 1.2.2011 so as enable the petitioner to get time scale pay from 1.2.2011 after adjusting the consolidated pay paid to the petitioner

For appellants : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For respondent : Mr.V.Krishnamurthy for
Mr.P.Ebenezer Paul

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.V.Krishnamurthy, learned counsel, who takes notice on behalf of the respondent.

2. 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.

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 petitioner. 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 appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

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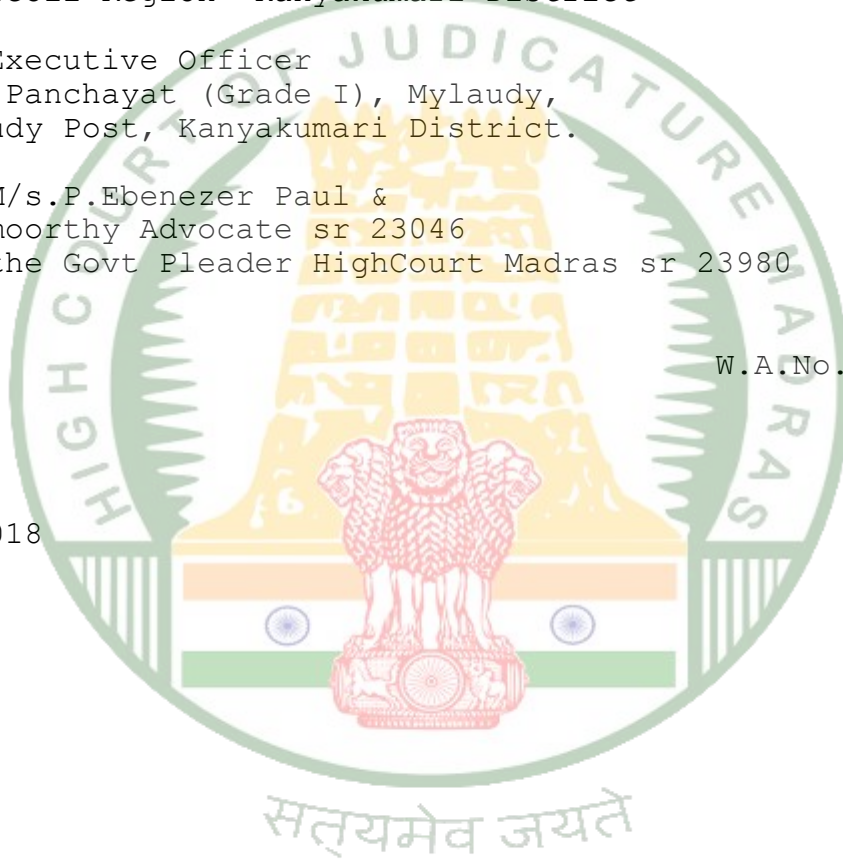
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+1 cc to M/s.P.Ebenezer Paul &
V.Krishnamoorthy Advocate sr 23046

+1 cc to the Govt Pleader HighCourt Madras sr 23980

W.A.No.637 of 2018

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