

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.20390 of 2013

A.Subramani

... Petitioner

Vs

- 1.Government of Tamilnadu,
rep. by Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.
- 2.The Director of Rural Development,
and Panchayat Raj,
Chennai-600 015.
- 3.The District Collector,
Krishnagiri District,
Krishnagiri.
- 4.The Panchayat Union Commissioner,
Uthangarai,
Krishnagiri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to regularize the services of the petitioner as Jeep Driver from the date of his initial appointment in April, 2004 and absorb him in regular establishment and desist from appointing any other person for the said post.

For Petitioner : Mr.Mr.Ganesan
For Respondents : Mrs.Rosekamalam,
Government Advocate for R1 to R3
Mr.V.Subbiah
Spl. Govt. Pleader

O R D E R

Heard Mr.P.Ganesan, learned counsel for the petitioner and Mrs.Rose Kamalam, learned Government Advocate appearing for the respondents 1 to 3 and Mr.V.Subbiah, learned Special Government Pleader appearing for 4th respondent.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, directing the respondents to regularize the services of the petitioner as Jeep Driver from the date of his initial appointment in April, 2004 and absorb him in regular establishment and desist from appointing any other person for the said post. "

3. The case of the petitioner is that he was working as Jeep Driver since 2004 on daily wages in Uthangarai Panchayat Union and he has fully qualified and eligible for regular appointment as Jeep Driver. Despite rendering his service continuously since 2004, the authorities concerned have not taken any steps to regularize the service of the petitioner. According to the petitioner, the authorities were attempting to have the recruitment to the post of Driver from the open market, in which event, the petitioner would be put to prejudice and hardship notwithstanding his long years of service.

4. In this connection, it appears that the petitioner has given a representation dated 08.04.2013 to the fourth respondent seeking for regularization of his service. However according to the petitioner, the representation has not evoked any response from the fourth respondent.

5. When the matter was taken up for hearing, the learned counsel for the petitioner would submit that the fourth respondent may be directed to dispose of the above said representation within a stipulated time, upon which, the learned counsel for the respondents cannot have any valid objection.

6. In view of the limited direction being sought by the learned counsel for the petitioner, there shall be a direction to the fourth respondent/competent authority to consider and dispose of the representation, dated 08.04.2013, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the authorities shall take into consideration the service rendered by the petitioner for a long time, as driver and consider his case sympathetically.

7. With the above direction, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamilnadu,
rep. by Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.

2. The Director of Rural Development,
and Panchayat Raj,
Chennai-600 015.

3. The District Collector,
Krishnagiri District,
Krishnagiri.

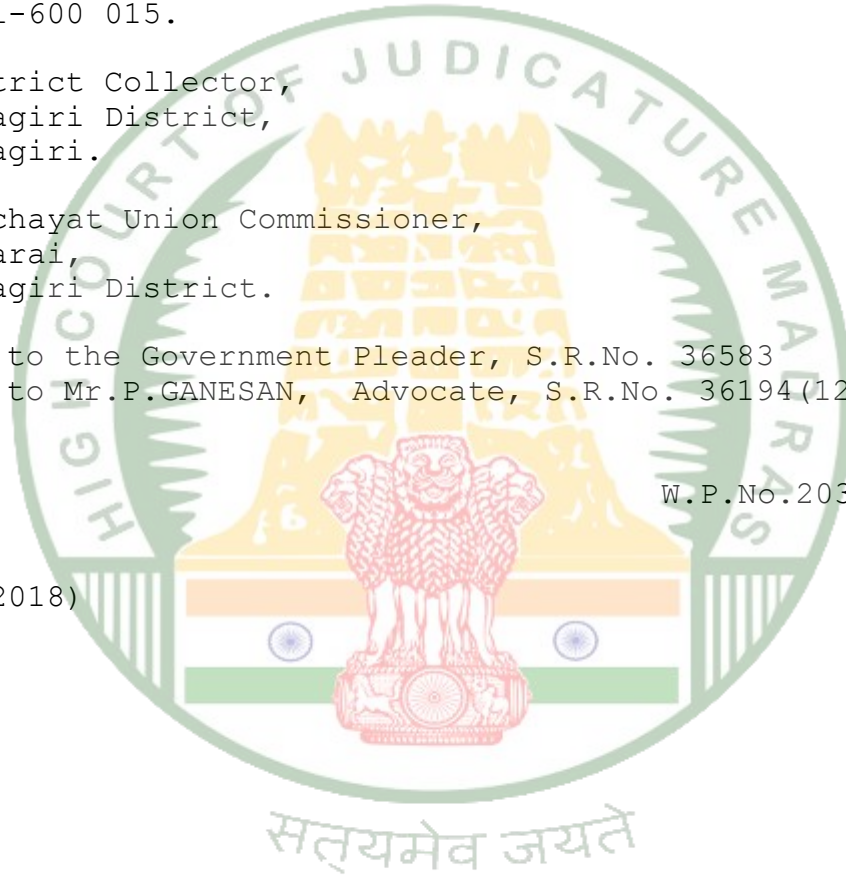
4. The Panchayat Union Commissioner,
Uthangarai,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No. 36583

+1cc to Mr.P.GANESAN, Advocate, S.R.No. 36194(12/06/2018)

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TR(12/06/2018)



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