

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1805 of 2018

A.Muthukrishnan

.. Petitioner

-VS-

1. The State of Tamil Nadu
rep.by its Secretary to Government
Municipal Administration & Water Supply Department
Secretariat, Fort St.George
Chennai 600 009
 2. The Commissioner of Municipal Administration
Chepauk
Chennai 600 005
 3. The Regional Director of Municipal Administration
48, Sarathi Nagar
Vellore-12
 4. The Commissioner
Kallakurichi Municipality
Kallakurichi
Villupuram District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass orders for bringing the petitioner into regular establishment with regular time scale of pay in the fourth respondent Municipality in anyone of the entry level post to which the petitioner is qualified with consequential and other attendant benefits, based on the representation submitted by the petitioner dated 14.02.2014 and the proposal forwarded by the fourth respondent in Na.Ka.No.A1/2372/2016 dated 18.07.2016, within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mr.R.S.Selvam
Government Advocate for R1 to 3
Mr.J.Ramesh
Standing Counsel for R4

ORDER

This writ petition has been filed seeking a mandamus, directing the respondents to pass orders for bringing the petitioner into regular establishment with regular time scale of pay in the fourth respondent-Municipality in anyone of the entry level post to which the petitioner is qualified with consequential and other attendant benefits, based on the representation submitted by the petitioner dated 14.02.2014 and the proposal forwarded by the Commissioner, Kallakurichi Municipality, the fourth respondent herein in Na.Ka.No.A1/2372/2016 dated 18.07.2016, within a reasonable time.

2. Heard the learned counsel for the parties.

3. The petitioner was initially appointed as Tank Operator in Kallakurichi Town Panchayat in the year 1990 as NMR on daily wage basis and he was allowed to continue as such. In the meanwhile, the Town Panchayat has been upgraded as Kallakurichi Municipality in the year 2004. Subsequently, after two years of the Town Panchayat being upgraded as Municipality, the Government issued G.O.Ms.No.21, Municipal Administration and Water Supply Department dated 23.2.2006 to bring the NMRs employed in the Town Panchayat service into regular establishment. As the petitioner is qualified with 12th Standard pass, the respondents have not considered his request for regular appointment. However, on the basis of repeated representations submitted by the petitioner, the Regional Director of Municipal Administration, Vellore, the third respondent herein has forwarded a communication dated 17.2.2014 to the Commissioner of Kallakurichi Municipality, the fourth respondent herein to consider the case of the petitioner for regular appointment and also to send a proposal and in turn, the fourth respondent also had forwarded the proposal to the third respondent in Na.Ka.No.A1/2372/2016 dated 18.7.2016 mentioning clearly the fact that the petitioner has been continuously working in the respondent Municipality as per the records. But till date, no order has been passed. Therefore, he has been advised to come to this Court.

4. Since the proposal has already been sent by the fourth respondent on 18.7.2016, based on the communication of the third respondent dated 17.2.2014, to consider the case of the petitioner for regular appointment, the respondents 2 & 3 are hereby directed to consider the said proposal sent by the fourth respondent and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

ASST. REGISTRAR

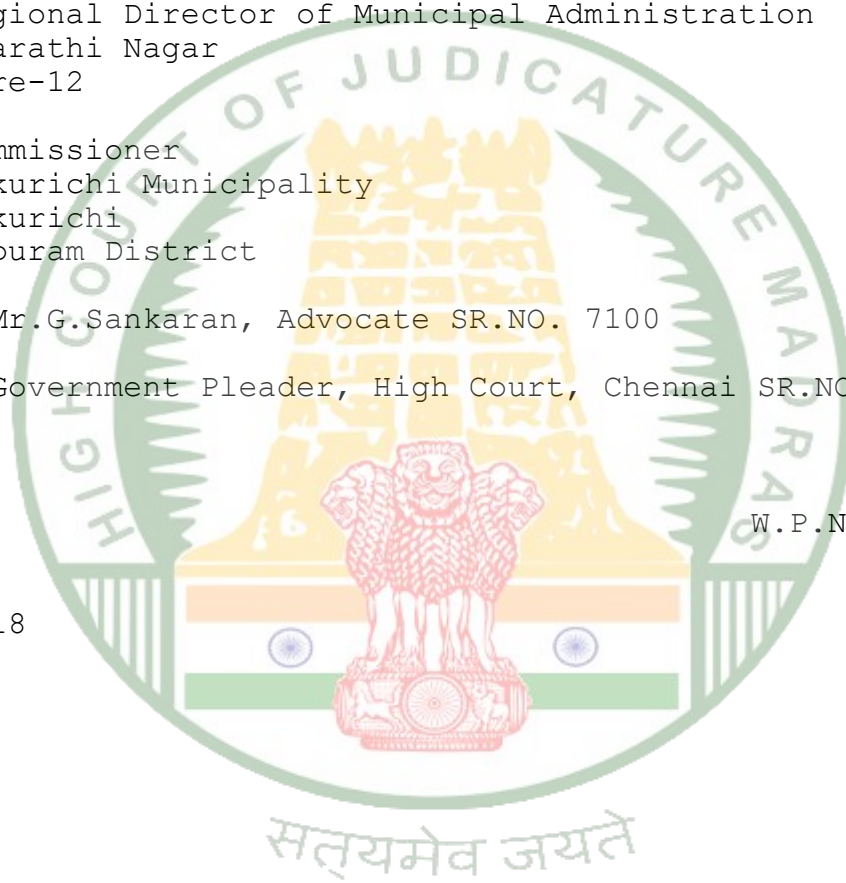
/TRUE COPY/

To

1. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St.George
Chennai 600 009
 2. The Commissioner of Municipal Administration
Chepauk
Chennai 600 005
 3. The Regional Director of Municipal Administration
48, Sarathi Nagar
Vellore-12
 4. The Commissioner
Kallakurichi Municipality
Kallakurichi
Villupuram District
- +1 cc to Mr.G.Sankaran, Advocate SR.NO. 7100
- +1 cc to Government Pleader, High Court, Chennai SR.NO. 6954

W.P.No.1805 of 2018

NRI (CO)
JK 19/02/18



WEB COPY