

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19158 of 2008

A.Sagunthala

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Commissioner,
Vanoor Panchayat Union,
Vanoor, Villupuram District.
3. Tmt. Easwari

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.A6/2105/04 dated 11.03.2008 and quash the same and direct the 2nd respondent to retain the petitioner as a sweeper in the P.U.Elementary School, Aiveli Village, Villupuram District.

For Petitioner :	Mr.S.Sivakumar
For R1	: Mr.R.S.Selvam
	Government Advocate
For R2	: Mr.D.Suriyanarayanan
For R3	: Mr.K.Vasudevan

O R D E R

This Writ Petition has been filed to call for the records of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.A6/2105/04 dated 11.03.2008 and to quash the same, and to direct the 2nd respondent to retain the petitioner herein as a sweeper in the P.U.Elementary School, Aiveli Village, Villupuram District.

2. The petitioner herein was appointed as sweeper in the Panchayat Union Elementary School, Aiveli Village, Villupuram District, on 16.02.1999, in the vacancy arose due to the

voluntary desert by the 3rd respondent. The petitioner had been serving for 9 years in the said school.

3. The petitioner would contend that the 3rd respondent was not interested to continue in the sweeper post, hence, she gone out from service herself. Further, at that time she left from the service, the salary payable was only Rs.100/- per month, but, now the salary has been increased to the tune of Rs.400/- per month. Hence, the 3rd respondent had filed a case before the Labour Court, Cuddalore, to reinstate her into the service. After a lapse of 5 years, it was numbered as C.P.168/04 and based on the order, the Labour Officer had issued a letter to the 2nd respondent on 15.02.2008. On receipt of the said letter, the 2nd respondent, by an order in Na.Ka.A6/2105/04 dated 11.03.2008, had reinstated the 3rd respondent into service and posted her in the petitioner's place. Further, due to the reinstatement of the 3rd respondent, the 2nd respondent has not disbursed the salary to the petitioner. Hence, the petitioner, with no other alternative, has filed this Writ Petition to quash the order of the 2nd respondent, passed in Na.Ka.A6/2105/04 dated 11.03.2008 and to direct the 2nd respondent to retain her as a sweeper in the Panchayat Union Elementary School, Aiveli Village, Villupuram District.

4. The learned counsel for the petitioner is not a position to say whether the petitioner is still working in the said Panchayat Union Elementary School, Aiveli Village, Villupuram District and he report no instructions.

5. The learned counsel for the respondents would submit that as per the order of the 2nd respondent dated 11.03.2008, the 3rd respondent is still working in the said Panchayat Union Elementary School.

6. The learned counsel for the respondents would also submit that the petitioner was offered a job in the nearby school, but, she refused to accept the same.

7. In view of the above, this Writ Petition is dismissed. However, liberty is given to the petitioner to approach the 2nd respondent, if the petitioner still seeks any employment in the said Panchayat Union Elementary School. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Commissioner,
Vanoor Panchayat Union,
Vanoor, Villupuram District.

+1cc to the Government Pleader Sr.49329
+1cc to to Mr.D.Suriya Narayanan, Advocate Sr.49070

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nm[co]
srg 02/01/2019