



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.2544 of 2018

Andi

...Petitioner

Vs.

1.The Director of Town Panchayats,
Kuralakam, Chennai.

2.The Commissioner,
Madurai Corporation,
Arignar Anna Malihai,
Madurai.

3.The Secretary to Government,
Municipal Administration and Water Supply,
Secretariat, Chennai-9.

...Respondents

(R3 is suo motu impleaded as per the order
of this Court dated 23.03.2018)

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner either in the second respondent office by the second respondent or in any town panchayat in Madurai District by the first respondent within time stipulated by this Court and consequently, directing the respondents to pay the back wages.

For Petitioner : Mr.RM.Arun Swaminathan

For R1 and R3 : Mr.K.Saravanan,
Government Advocate.

For R2 : Mr.T.S.Mohammed Mohideen

ORDER

Mr.K.Saravanan, learned Government Advocate, appearing for the respondents 1 and 3 and Mr.T.S.Mohammed Mohideen, learned counsel, appearing for the second respondent.

2.By consent of both parties, the main Writ Petition is taken up for final disposal.



3.The petitioner was appointed as Scavenger on 11.03.1998 in the Vilankudi Town Panchayat. He was subsequently removed from service. The same was questioned in W.P.(MD).No.5870 of 2002. By order dated 23.06.2010, the said Writ Petition was allowed. The order impugned therein was set aside and the said Town Panchayat was directed to reinstate the petitioner forthwith with continuity of service, but without back wages. Subsequently, the said Panchayat was merged with Madurai Corporation.

4.Since the name of the petitioner did not find place in the list of the employees to be absorbed by Madurai Corporation, the petitioner herein was left out. The petitioner is now aged about 57 years. It is unfortunate that the petitioner was denied employment for the last eight years. Since the stand of the Corporation is that only on account of the petitioner's name not being found in the Government order issued by the Government, they couldn't absorb the petitioner, this Court Suo-motu impleads the Secretary to Government, Municipal Administration and Water Supply, Secretariat, Chennai-9, as the third respondent in this Writ Petition.

5.The Commissioner, Madurai Corporation/second respondent is directed to reinstate the petitioner in service forthwith. This Court has not expressed any opinion with regard to the payment of back wages and other aspects. The Secretary to Government, Municipal Administration and Water Supply, Secretariat, Chennai-9 is directed to pass appropriate proceedings in this regard within a period of twelve weeks from the date of receipt of a copy of this order.

6.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Town Panchayats,
Kuralakam, Chennai.

2.2.The Commissioner,
Madurai Corporation,
Arignar Anna Malihai,
Madurai.

3.The Secretary to Government,
Municipal Administration and Water Supply,
Secretariat, Chennai-9.



+1cc to Special Government Pleader, SR.No. 57963
+1cc to M/S.T.S.Mohamed Mohideen, Advocate SR.No. 57674
+1cc to M/S.D.S.Haroon Rasheed, Advocate SR.No. 58334

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ORDER MADE IN
W.P.(MD) .No.2544 of 2018
23.03.2018

tsg

JM/SV MMS/SAR 1/05.04.2018/3P/7C