



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. [MD]. No. 12162 of 2018

Kalimuthu

: Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Secretariat, Fort.St.George, Chennai.

2. The Commissioner,
Karur Municipality,
Karur.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 20.04.2018 seeking regularization of service as Over Head Tank Operator with effect from 26.02.1997 with all attendant benefits to the petitioner.

For Petitioner	: Mr.S.Gokul Raj
For Respondents	: Mr.D.Muruganantham Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 20.04.2018 seeking regularization of service as Over Head Tank Operator with effect from 26.02.1997 with all attendant benefits to the petitioner.

2. Heard Mr.S.Gokul Raj, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. The petitioner was appointed as Over Head Tank Operator on 26.02.1997 at a Village, called as "Sanarpatti" at Karur Taluk. While so, in the year 2013, the said village annexed into Karur Municipality. Therefore, the petitioner along with the other employees had been absorbed by the Karur Municipality, who is the second respondent herein. Insofar as the status of the petitioner is concerned, he had been absorbed by the Karur Municipality only as temporary employee as Over Head Tank Operator and his services were not regularized.



4. While so, the petitioner, on superannuation, is going to retire from service by July 2018. Therefore, he had already requested the second respondent to regularize his services.

5. According to the learned counsel appearing for the petitioner, the said request made by the petitioner to the second respondent has been recommended and forwarded to the first respondent and the first respondent has to take a decision thereon.

6. However, Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents, would submit that there is no proof to show that the request of the petitioner had been recommended by the second respondent Municipality to the first respondent.

7. Be that as it may, the learned Additional Government Pleader would submit that the representation of the petitioner dated 20.04.2018 seeking regularization of his services shall be considered by the respondents, especially, the first respondent, on merits and in accordance with law and an order to that effect would be passed within a time frame that may be fixed by this Court.

8. Considering the above submissions made by the learned counsel on either side and taking into account the circumstances of the case, the Writ Petition is disposed of with the following direction:-

- The respondents, especially, the first respondent shall consider the representation of the petitioner dated 20.04.2018 with regard to the regularization of the service of the petitioner from the date of his initial appointment and pass a reasoned order thereon and communicate the same to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
Secretariat, Fort.St.George, Chennai.
2. The Commissioner,
Karur Municipality, Karur.

+ 1 CC TO Mr.S.GOKULRAJ, ADVOCATE IN SR No. 67274

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67382

NB

TE/SKN-RSK/SAR-2 : 11/06/2018 : 2P/5C

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ORDER MADE IN

W.P. [MD] .No.12162 of 2018

07.06.2018