



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18229 of 2018

A.Dominic .. Petitioner
Vs.

1. The Director,
Social Welfare and Nutritious Meal Programme Department,
Chennai.

2. The Child Development Project Officer,
Killiyoor,
Kanyakumari District. .. Respondents

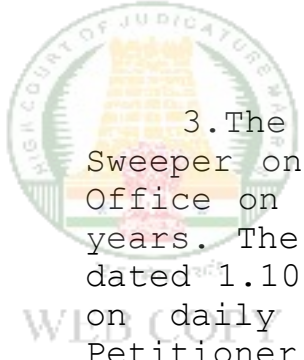
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to regularize the service of the Petitioner in the post of Sweeper with all the consequential service monetary and retirement benefits along with the arrears of pay from the date of regularization in the light of G.O.Ms.No.385, Finance Department, dated 1.10.2010, by considering the Petitioner's representation dated 4.7.2018 within the time stipulated by this Court.

For Petitioner : Mr.C.Prithiviraj
For Respondents : Mr.M.Pandiarajan
1 and 2 Addl.Govt.Pleader

ORDER

This Writ Petition has been filed, for issuance of a writ of Mandamus, directing the respondents to regularize the service of the Petitioner in the post of Sweeper with all the consequential service monetary and retirement benefits along with the arrears of pay from the date of regularization in the light of G.O.Ms.No.385, Finance Department, dated 1.10.2010, by considering his representation, dated 4.7.2018 within the time stipulated by this Court.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.



3. The case of the petitioner is that he was employed as Sweeper on daily wage basis and he joined the second respondent Office on 8.7.1996 and worked there continuously for the past 32 years. The Government has passed G.O.Ms.No.385, Finance Department dated 1.10.2010 stating that persons who are appointed as Sweeper on daily wages shall be regularised. In this regard, the Petitioner has submitted a representation to the second respondent on 4.7.2018. Since the said representation did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner and pass orders thereon within the time stipulated by this Court. The Petitioner would reply that it is suffice if the representation is disposed of within a period of two months.

5. In view of the submission, the authority concerned is directed to consider the representation of the petitioner, dated 4.7.2018 and to pass appropriate orders on the same in accordance with the rules, within a period of three months from the date of receipt of a copy of this order. It is also made clear that the applicability of G.O.Ms.No.385, Finance Department, dated 1.10.2010 shall also be considered while deciding the representation. The decision shall be taken after giving an opportunity of hearing the Petitioner and other interested parties, if any, within the time stipulated by this Court, unless there is an legal impediments to do so. If the Petitioner fails to appear before the authority concerned on the date fixed for personal hearing,, the absence of the Petitioner may be recorded and an order be passed, so that the Petitioner cannot raise the contention that he was not given an opportunity of being heard, while taking a final decision in the subject- matter in issue.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Director,
Social Welfare and Nutritious Meal Programme Department,



2. The Child Development Project Officer,
Killiyoor,
Kanyakumari District.

+1cc to Mr.C.Prithiviraj, Advocate Sr.No.79415
+1cc to Spl.Government Pleader Sr.No.79661

VSN

VB/RP/SAR1/20.09.2018/3P/5C

W.P. (MD) No.18229 of 2018
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