



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.14878 of 2011 and
MP(MD)No.1 of 2011

WEB COPY

M.P.Rajalakshmi

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The Block Development Officer,
Thiruvidaimaruthur,
Kumbakonam Taluk,
Thanjavur District.

3.The President cum Executive Officer,
Thirucheri Panchayat,
Thiruvidaimaruthur,
Kumbakonam Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to fix the time scale of pay to the petitioner as Motor Operator in the 3rd respondent Panchayat as per G.O.Ms.No.60 Local Administration Department dated 23.06.2006.

For Petitioner : Mr.S.C.Herold Singh

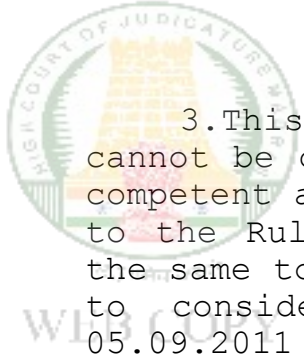
For Respondents : Mr.M.Muthu,

Additional Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to the respondents to fix time scale of pay to the petitioner as Motor Operator in the 3rd respondent Panchayat as per G.O.Ms.No.60 Local Administration Department dated 23.03.2006.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is working as Overhead Tank Operator in the 3rd respondent's Panchayat and therefore, he is eligible to get the time scale of pay in the said post. However, the learned Additional Government Pleader appearing on behalf of the respondents made clear that all such time scale of pay granted, have to be given only in accordance with the rules in force. As such the petitioner is not eligible to get time scale of pay. This apart, certain rules are issued in respect of post of Overhead Tank Operator and even regularization of permanent absorption has to be provided only by following the rules in force.



3.This being the position, the case of the writ petitioner cannot be considered. However, this Court is of an opinion that the competent authority shall consider the representation with reference to the Rules and Government orders, take decision and communicate the same to the writ petitioner. Thus, the 2nd respondent is directed to consider the representation of the writ petitioner dated 05.09.2011 and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of the receipt of a copy of this order. The writ petitioner is permitted to submit a copy of representation and relevant Government orders along with a copy of the order passed in this writ petition.

4.Accordingly, the writ petition stands disposed of. However, there shall be no orders as to costs. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thanjavur District.

2.The Block Development Officer,
Thiruvidadaimaruthur,
Kumbakonam Taluk,
Thanjavur District.

+1cc to M/S.S.C.Herold Singh, Advocate SR.No. 45442
+1cc to Special Government Pleader, SR.No. 45947

ORDER MADE IN
W.P (MD)No.14878 of 2011
31.01.2018

dsk
JM/KKR/SAR 3/19.03.2018/2P/5C