



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.2514 of 2013

S.Vanaraj

... Petitioner

-vs-

1. The Secretary to Government
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.
2. The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam,
Chennai-108.
3. The Assistant Director of Town Panchayat,
Tirunelveli Zone,
Tirunelveli.
4. The Executive Officer,
First Grade Town Panchayat,
Kayatharu,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in pursuance of the 4th respondent's order in Na.Ka.No.264/1998 dated 22.05.2008 and quash the same as devoid of merits and directing the respondents to regularize the petitioner's service from the date of his appointment 10.05.2000 and to confer all the benefits with retrospective effect within the period stipulated by this Court.

For Petitioner : Mr.R.Aravind Raj

For R1 to R3 : Mrs.V.P.M.Vaishnavi, G.A.

For R4 : Mr.S.Bharathi

O R D E R

The learned counsel appearing on behalf of the writ petitioner restricts the prayer sought for in this Writ Petition to the extent that the time scale of pay to the writ petitioner is to be granted with effect from the date of his initial appointment as per the Government Order in force.

2.The learned counsel appearing for the writ petitioner further submitted that the case of the writ petitioner was recommended by 4th respondent / Executive Officer, Kayatharu Town Panchayat, vide proceedings dated 11.03,2008. Thus, the case of the writ petitioner ought to have been considered for grant of time scale of pay retrospectively with effect from the date of his initial appointment. However, in respect of granting time scale of pay for the temporary employees, the authorities competent have to follow the Government Orders in force. If the writ petitioner is eligible as per the Government Orders for retrospective time scale of pay, then the case of the writ petitioner may be considered by the competent authority.

3.The learned counsel for the petitioner further submitted that as the case of the writ petitioner was recommended by the 4th respondent / Executive Officer, it is for the third respondent to consider the same and pass orders in this regard within the reasonable time.

4.In respect of the claim of the writ petitioner, the writ petitioner is permitted to submit a representation enclosing all the Government Orders which are all relevant along with the order passed in this Writ Petition within a period of three weeks from the date of receipt of copy of this order and if any representation is received from the writ petitioner, then the third respondent is directed to pass orders on merits and in accordance with law within a period of 12 weeks thereafter.

5.With the above observation, this Writ Petition is disposed of. However, no order as to costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government

<https://hcservices.ecourts.gov.in/hcservices/>
Municipal Administration and Water Supply Department,
Secretariat, Chennai.



2. The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam,
Chennai-108.

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3. The Assistant Director of Town Panchayat,
Tirunelveli Zone,
Tirunelveli.

4. The Executive Officer,
First Grade Town Panchayat,
Kayatharu,
Tuticorin District.

+ 1 cc TO Mr.R.Aravind Raj , Advocate in SR No. 50898

+ 1 cc TO The Special Government Pleader in SR No. 51343

Gns

AE/JC/SAR1/26.03.2018/3P/7C

W.P. (MD) No.2514 of 2013
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