

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.19830 of 2019

S.Govindasamy

... Petitioner

Vs

1.Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai-600 009.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai- 600005.

3.Regional Director of Municipal Administration,
Salem.

4.The Municipal Commission,
Edapadi Municipality, Edapadi,
Salem District.

5.The Municipal Commission,
Komarapalayam Municipality,
Komarapalayam,
Salem District.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or order or direction or order in the nature of a Writ, directing the respondents to regularize the petitioner's services from 27.02.1989 to 01.06.2006 on daily wage basis as NMR Worker in Komarapalayam Municipality and to reckon the said period of service along with petitioner service on time scale of pay in the post of Electrician Grade II in Edapadi Municipality from 02.06.2006 onwards for all purpose and to grant petitioner all consequential benefits, within a limited time.

For Petitioner : Mr.P.Kumaravel
for Mr.M.Ravi

For Respondents 1-3: Mr.A.N.Thambidurai
Special Government Pleader

For Respondents 4-5: Mr.V.Jayaprakash Narayanan

O R D E R

This Writ Petition has been filed for the issuance of Certiorarified Mandamus, directing the respondents to regularize the petitioner's services from 27.02.1989 to 01.06.2006 on daily wage basis as NMR Worker in Komarapalayam Municipality and to reckon the said period of service along with petitioner service on time scale of pay in the post of Electrician Grade II in Edapadi Municipality from 02.06.2006 onwards for all purpose and to grant petitioner all consequential benefits, within a limited time.

2. The case of the petitioner is that the petitioner having been sponsored by the employment exchange and subject to interview was appointed as Mazdoor, Grade II in Komarapalayam Municipality on daily wage basis. He joined duty on 27.02.1989 and continue to serve as such till 01.06.2006. Since he possess technical qualification for appointment as Electrician, Grade II, he was appointed as such in Edapadi Municipality and joined duty on 02.06.2005. Even though he served on daily wage basis for more than 17 years, his services has not been regularised from the date of his initial appointment. The grievances of the petitioner is that, having continuously served for more than the stipulated period of ten years, he is entitled to have his services regularised from 27.02.1989 in regular time scale of pay by virtue of the principles laid down by the Hon'ble Supreme Court. Hence, he made a representation to the petitioner on 02.01.2018 regarding the same. He also submitted the reminder representation on 31.07.2018. Since no action is forthcoming from the respondents, the petitioner is before this Court filing the present Writ Petition.

3. Learned counsel for the petitioner would submit that it would suffice to issue direction to the respondents to dispose of the representation in accordance with law.

4. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the respondents to dispose of the representation made by the petitioner, if not disposed of already, within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

bkn

To

1. Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai- 600005.
3. Regional Director of Municipal Administration,
Salem.
4. The Municipal Commission,
Edapadi Municipality, Edapadi,
Salem District.
5. The Municipal Commission,
Komarapalayam Municipality,
Komarapalayam,
Salem District.

+1cc to Mr.V.Jayaprakash, Advocate, S.R.No. 87148
+1cc to Mr.M.Ravi, Advocate, S.R.No. 86964
+1cc to the Government Pleader, S.R.No. 86891

W.P.No.19830 of 2019

LN(CO)
GN(09/01/2020)

सत्यमेव जयते

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