

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16404 of 2019

A.Haridas

..Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
- 3.The Health Officer,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
- 4.The Assistant Commissioner / Zonal Officer,
Zone XI, Corporation of Chennai,
Valasaravakkam, Chennai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Burial Ground Assistants in Zone XI Corporation of Chennai as per the directions contained in G.O.Ms.No.18 Municipal Administration and Water Supply Department dated 11.01.2008 and in the light of the Judgment rendered in W.P.No.20702/2013 dated 26.07.2013 and pay them salary, arrears of salary and other consequential benefits with effect from the date of the said G.O.

For Petitioner : Mr.K.S.Viswanathan
For R1 : Mrs.R.Janaki
Additional Government Pleader
For RR2 to 4 : Ms.Karthikaa Ashok
Standing Counsel for Corporation

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to appoint the petitioner as Burial Ground Assistant in Zone XI Corporation of Chennai as per the directions contained in G.O.Ms.No.18 Municipal Administration and Water Supply Department dated 11.01.2008 and in the light of the Judgment rendered in W.P.No.20702/2013 dated 26.07.2013 and pay him salary, arrears of salary and other consequential benefits with effect from the date of the said G.O.

2.The case of the petitioner is that he has been working as Vettiyan in Karampakkam Panchayat for 20 years. During the year 2007, the Minister for Rural Development and Local Administration made an announcement in the Assembly that persons who have been working as Vettiyan in the Burial grounds maintained by Corporation and Municipalities will be regularized and will be brought into time scale of pay. In accordance with the said announcement, the Commissioner for Municipal Administration by a communication dated 28.06.2007 instructed the Commissioners of all Municipalities and Corporations to furnish details as to the status of post of Vettiyan, number of persons working as such, their salary, etc.,

3.On 17.09.2007 the Commissioner for Municipal Administration also informed the Municipalities and Corporations that a post by name Burial Ground Assistants have been created and requested to inform as to the persons working as such in the respective Municipalities. Thereafter a separate communication dated 20.09.2007 was issued by the Commissioner, Thiruvottiyur Municipality directing the said persons to fill up the prescribed form relating to their posts.

4.Subsequently, the Government taking into consideration the plight of Vettiyan / Burial Ground Assistants, issued G.O.Ms.No.18 Municipal Administration and Water Supply Department dated 11.01.2008. In view of the Government Order passed by the Government, the President, Karampakkam Panchayat has sent many proposals for appointment of petitioner in the post of Burial Ground Assistant. The petitioner also made number of representations requesting to regularize his service as Sanitary Assistant.

5.In the meantime, number of similarly placed burial ground assistants filed W.P.No.20702 of 2013 and this Court by the order dated 26.07.2013 directed the respondents to implement G.O.Ms.No.18 Municipal Administration and Water Supply Department dated 11.01.2008. In due compliance of the order passed by this Court many burial ground assistants were regularized. The petitioner finally made a representation dated 22.10.2018, but till date, the respondents have not considered his representation. Aggrieved by the same, the petitioner has filed the above Writ Petition.

6.The learned counsel for the petitioner would submit that the petitioner in W.P.No.24911 of 2013 have obtained license from the local body to be appointed as Burial Ground Assistant. In the present case, the petitioner did not possess license from the local body. If the petitioner possessed licenser from the local body, the the case will be considered on par with other person, who is the petitioner in W.P.No.24911 of 2013.

7.The learned counsel for the petitioner would submit that it would be suffice to issue direction to the second respondent to consider the representation in accordance with law.

8.Considering the limited facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 2nd respondent to consider the representation of the petitioner dated 22.10.2018 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

3.The Health Officer,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

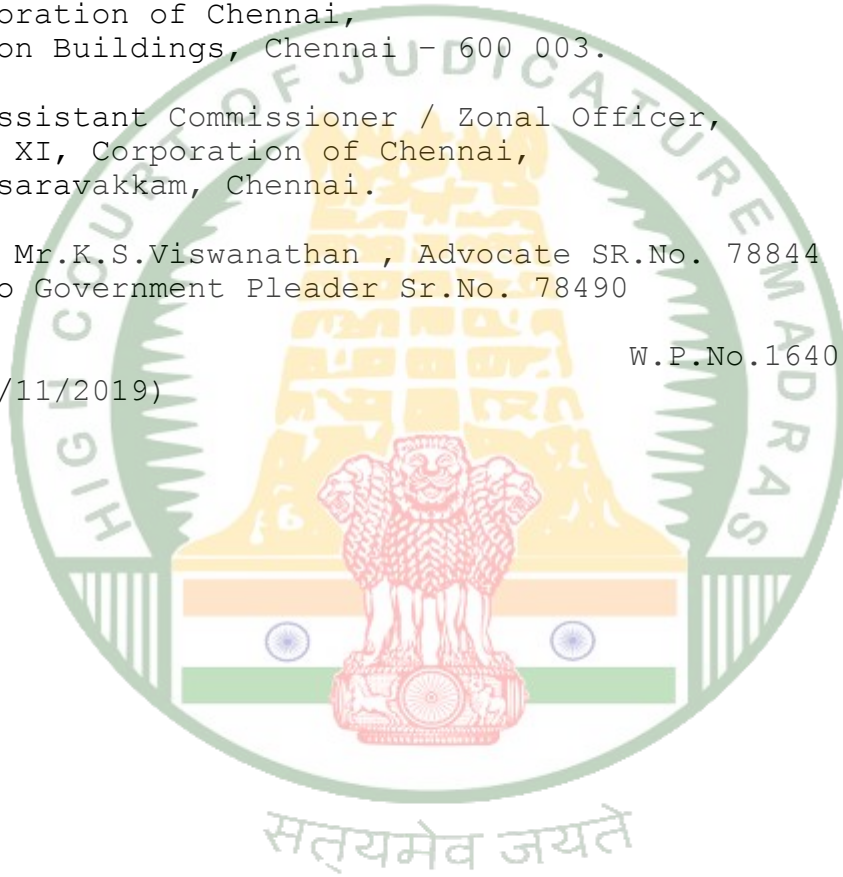
4.The Assistant Commissioner / Zonal Officer,
Zone XI, Corporation of Chennai,
Valasaravakkam, Chennai.

+1cc to Mr.K.S.Viswanathan , Advocate SR.No. 78844

+1 cc to Government Pleader Sr.No. 78490

W.P.No.16404 of 2019

A.SK(07/11/2019)



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