

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17571 of 2019

S.Veeraraj

..Petitioner

vs

1.The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

2.The Commissioner Municipal Administration,
Chepauk, Chennai-5.

3.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai-9

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 20.07.2018 and to pass appropriate orders in the light of the orders already issued to the similarly placed persons in GO (3D) No.96 MAWS Department dated 22.10.2010 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.J.Pothi Raj

Special Government Pleader for R1

Mr.R.S.Selvam

Government Advocate for R2 and R3

O R D E R

This Writ Petition is filed to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 20.07.2018 and to pass appropriate orders in the light of the orders already

issued to the similarly placed, in GO (3D) No.96 MAWS Department dated 22.10.2010 within a reasonable period.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for R1 and the learned Government Advocate appearing for R2 and R3. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner was initially appointed as daily wage NMR in Pudukottai Municipality in 1995 and based on his representation, he was appointed as Record Clerk in the existing vacancy at Kodaikanal Municipality and subsequently, he was transferred to Thanjavur Municipality on 30.10.2000. During the year 2017, the Thanjavur Municipality has been upgraded as Thanjavur City Municipal Corporation. As per the orders issued by the 3rd respondent in G.O 3D No.92 MAWS Department dated 12.7.1995, the petitioner's service has not been regularized in the post of Record Clerk and consequently, his elevation as Selection Grade in the year 2005 and subsequently, Special Grade in the year 2015 have also not been granted to the petitioner. Therefore, he made representations to the respondents to regularize his service in the post of Record Clerk from 26.07.1995 to enable him to get full pension, however, no order has been passed by the 3rd respondent. Based on the directions of this Court in W.P Nos.31963, 31964, 31970 and 32031 of 2016 dated 28.04.2009, the 3rd respondent has issued orders in GOD No.96 MAWS Department, dated 22.10.2010 regularizing the services of similarly placed persons from the date of their initial appointment in the respective municipality. In the light of the above order, the petitioner made representation to the 3rd respondent on 20.07.2018. Till date, the petitioner's representation was not considered. Hence the present writ petition is filed.

4.The learned counsel for the petitioner submitted that it would suffice if a direction is passed to the 3rd respondent to consider the representation of the petitioner dated 20.07.2018, within a reasonable time as fixed by this Court.

5.The learned counsel appearing for the respondents accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

6.Thus, without going into the merits of the case, this Court is inclined to direct the 3rd respondent to consider the representation of the petitioner dated 20.07.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.
- 2.The Commissioner Municipal Administration,
Chepauk, Chennai-5.
- 3.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai-9

+1cc to Mr.T.Ranganathan , Advocate SR.No. 82844

+1 cc to Government Pleader Sr.No. 82814

+1cc to Mr.J.Pothi Raj , Advocate SR.No. 82562

W.P.No.17571 of 2019

A.SK(04/11/2019)

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