

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.2700 of 2018 and
W.M.P.No.3344 of 2018

1.M.Kanniyappan
2.S.Udaya Prakash
3.Munusamy
4.G.Venkatesan
5.M.Sankaran

... Petitioners

Vs.

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Tiruttani Municipality, Tiruttani.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 14.12.2016 for appointment to the post of Sanitary Worker in the 3rd Respondent Municipality in the existing vacancy duly notified in the advertisement issued in Na.Ka.No.87/2014/C1 dated 05.03.2015 and based on the interview conducted on 25.02.2016 by considering the length of service rendered by the petitioners as OHD operators, with all consequential benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For RR 1 & 2 : Mr.J.Pothiraj
Special Government Pleader

For 3rd Respondent : Mr.P.Srinivas, Government Advocate

ORDER

The petitioners are working as Overhead Tank Operators in the 3rd respondent Municipality on a consolidated salary. The petitioners being in service from 1996 submitted representations seeking to regularise their services in any entry level post in the 3rd respondent Municipality.

2. In response to the representations, the Town Panchayat has also passed resolution on 22.02.2011 forwarding the proposal to regularise the services of the petitioners.

3. While so, the Municipality issued Notification on 05.03.2015 for direct recruitment to the post of Sanitary Workers, by notifying 18 vacancies.

4. In the said circumstances, the petitioners have approached this Court in W.P.Nos.9091 to 9093 of 2015 directing the respondents to consider them for regular appointment to the post of Sanitary Worker in the sanctioned post available before resorting to fill up the post by direct recruitment.

5. At the time of admission, this Court has granted interim direction and passed final orders on 21.09.2015 directing the respondents to consider the representations submitted by the petitioners within a period of eight weeks.

6. Thereafter, the Municipality passed orders on 29.01.2016 by stating that the post of Sanitary Workers was to be filled up by conducting selection through employment exchange and by making paper advertisement inviting application as per norms fixed by the orders of this Court. The petitioners have also submitted applications for direct recruitment and they have also been called for interview conducted on 25.02.2016. The petitioners have attended the interview and produced all required certificates.

7. Thereafter, the 3rd respondent Municipality proceeded to appoint eight persons from the open market out of the notified 18 vacancies. In these circumstances, the petitioners have once again submitted representation to the 3rd respondent on 14.12.2016 seeking to consider them for appointment in the unfilled notified vacancies, based on the selection conducted on 25.02.2016. Till date, no orders have been passed and therefore, the petitioners have filed the present writ petition seeking for issuance of writ of mandamus.

8. Notice was ordered to the respondents. Mr.J.Pothiraj, learned Special Government Advocate for respondents 1 and 2 and Mr.P.Srinivas, learned Government Advocate for the 3rd respondent

entered appearance. The Learned Counsels for the petitioner as well as the respondents would submit that the 3rd respondent may be directed to dispose of the representation submitted by the petitioners dated 14.12.2016 within the time to be specified by this Court.

9. In view of the submissions of the learned counsels appearing for the parties and also the pleadings, this Court would dispose of the present writ petition as under:

(i) The 3rd respondent is directed to pass orders on the representation of the petitioners dated 14.12.2016 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

(ii) While passing orders, the 3rd respondent is also to take into consideration the long number of years of service rendered by the petitioners in the Municipality and consider their claim sympathetically.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Joint Registrar (Judicial)

//True Copy//

Sgl
To

Sub Assistant Registrar

1. The Principal Secretary to Government
The State of Tamil Nadu
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

3. The Commissioner,
Tiruttani Municipality, Tiruttani.

+1 cc to Mr.G.Sankaran, Advocate, S.R.No.49980

+1 cc to Mr.P.Srinivasan, Advocate, S.R.No.49256

+1 cc to the Government Pleader, S.R.No.49481

W.P.No.2700 of 2018

SV(CO)
SSM(21/06/2019)