

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No. 27213 of 2019

K.Andal Easwari

..Petitioner

Vs

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

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

3. The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to count the petitioner's service period between 30.11.1999 and 14.06.2005 for re-fixing her seniority, give promotion to the post of Superintendent and include in the pensionary service, by considering her representation dated 02.08.2019.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.A.Srijeyanthi, AGP.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to count the petitioner's service period between 30.11.1999 and 14.06.2005 for re-fixing her seniority, give promotion to the post of Superintendent and include in the pensionary service, by considering her representation dated 02.08.2019.

2. The case of the petitioner is that, in the year 1987, the petitioner was appointed as Section Writer in the 3rd respondent Corporation on piece rate basis. During the said period of her employment, she was carrying on various works in different sections of the 3rd respondent Corporation. Finally, the petitioner was appointed as a Section Writer on daily wage basis by order dated 28.11.1990.

3. The learned counsel appearing for the petitioner would submit that there were vacancies in the cadre of Junior Assistants, Typist, Assistant and Sheroff, and therefore she submitted an application for her absorption in any one of the above posts, on permanent basis. Under such circumstances, the petitioner has filed W.P.No.17064 of 1991 to issue a writ of Mandamus, directing the 3rd respondent to absorb the petitioner in service on a permanent basis by regularizing her service from the date of her original appointment and the writ petition was dismissed as infructuous and aggrieved by that order, the respondent filed a writ appeal in W.A.No.23 of 2001, which was also dismissed by judgment dated 20.10.2003.

4. The learned counsel appearing for the petitioner would further submit that even after passing of the above order dated 20.10.2003, the petitioner was working on daily wage basis, till G.O. (2D) No.18, dated 23.05.2005 was issued by the 1st respondent. Accordingly, as per G.O. (2D) No. 18, the petitioner was appointed as Junior Assistant cum Typist in the 3rd respondent Corporation. However, the petitioner was working till that date with artificial break in service created by the 3rd respondent. Hence, the petitioner gave a representation dated 11.07.2005 to the respondents to count her service for seniority, promotion and for other pay benefits from 30.11.1999. The representation of the petitioner was not considered by the respondents, and hence the petitioner filed W.P.No. 30733 of 2007 and it was disposed of on 21.09.2007, by directing the 3rd respondent to consider her grievance. However, no action has been taken thereafter. सत्यमेव जयते

5. The learned counsel appearing for the petitioner would aver that again and again the petitioner met the respondents in person on various dates and requested them to regularize her service with all benefits from 30.11.1999, but her grievance has not been taken into consideration. Hence, the petitioner have submitted a detailed representation dated 02.08.2019 to the respondents requesting them to fix her seniority and to grant promotion along with all pay benefits by counting her service in the post of Junior Assistant cum Typist between 30.11.1999 and 14.06.2005, along with rest of her service period.

6. The learned counsel counsel for the petitioner would also submit that the said representation is also pending for consideration before the respondents. While so, her juniors were considered and given promotion to the post of Superintendent.

7. The learned counsel for the petitioner would now submit that it would be suffice, to issue directions to the 3rd respondent to dispose of the representation dated 02.08.2019 submitted by the petitioner on merits and in accordance with law.

8. The learned counsel appearing for the respondents conceded to the request made by the learned counsel appearing for the petitioner.

9. Without expressing any opinion on merits, I am inclined to issue direction to the 3rd respondent to dispose of the Writ Petitioner's representation dated 02.08.2019, within a period of twelve 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)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai - 600 009.

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

3. The Commissioner,
Coimbatore Corporation, Coimbatore - 641 001.

+1cc to Mr.N.Manoharan , Advocate SR.No. 79071
+1 cc to Government Pleader Sr.No. 39380

W.P.No. 27213 of 2019

A.SK(13/12/2019)