



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33682 of 2019 and WMP Nos.34148,34149,34152 of 2019

P.Shankar

... Petitioner

Vs.

1. The District Collector,
O/o.The District Collector,
Collectorate,
Kallakuruchi - 606 202.

2. The Commissioner,
Panchayat Union,
Chinnasalem Taluk,
Kallakurichi - 606 201

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned Notice in Na.Ka.No.A1/2958/2019 dated 16.11.2019 of the 2nd respondent and quash the same and consequently, direct the respondents to regularize the service of the petitioner with effect from 03.08.1999 by appointing the petitioner as "Full Time Night Watchman "in the Chinnasalem Panchayat Union and absorbing the petitioner as a regular employee, with all all attended benefits, as per the proposal of the 2nd respondent made vide proceedings in Na.Ka.A1.637/2015 dated 28.12.2015.

For Petitioner : Mr.R.Gopinath

For Respondents: Mrs.K.Bhuvaneswari
Additional Government Pleader

O R D E R

The notice calling for appointment to the post of Night Watchman by the 2nd respondent, has become a subject matter of challenge in this writ petition.

2. It is seen from records that the petitioner was appointed on a consolidated pay by the 2nd respondent in the



year 1999 and subsequently, in the year 2013, he came under the Special Time Scale of pay as a Sweeper at the Chinnasalem Panchayat Union. The post of Night Watchman became vacant and therefore, the petitioner had given a representation in the year 2015 to the 2nd respondent to consider his name for the said post. The 2nd respondent by his communication dated 27.11.2015, had recommended the name of the petitioner to the post of Night Watchman and the said communication was sent to the 1st respondent. The 2nd respondent had sent yet another communication to the 1st respondent on 28.12.2015 recommending the name of the petitioner for the post of Night watchman. Both these recommendations are pending before the 1st respondent. In the meantime, the 2nd respondent has issued the notification calling for selection to the post of Night Watchman and the same has been challenged by the petitioner in this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner has already been recommended for the post of Night Watchman in the year 2015 itself. The learned counsel further submitted that similarly placed persons had approached this Court and pursuant to the orders passed by this Court, those persons were considered for the post of Night Watchman and were regularized during the year 2009. The learned counsel further submitted that even though G.O.Ms.No.114 of Rural Development and Panchayat Raj (E5) Department dated 06.05.2000, provides for the mode of selection to the post of Night Watchman, exemption was granted considering the service that has been put in and also considering the fact that the concerned persons had crossed the age limit. The learned counsel submitted that the petitioner is also placed on the same footing and his representation can also be considered by the 2nd respondent before going in for the selection to the post of Night Watchman.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

5. Considering the limited scope of this writ petition, there shall be a direction to the petitioner to submit a fresh representation to the 2nd respondent and bring to his notice the earlier recommendation made by the 2nd respondent in the year 2015. The representation shall be made within a period of one week from the date of receipt of copy of this order. Immediately, on receipt of such representation, the 2nd respondent is directed to consider the same, strictly in accordance with law and pass appropriate orders, within a period of four weeks thereafter.



6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
O/o.The District Collector,
Collectorate,
Kallakuruchi - 606 202.

2. The Commissioner,
Panchayat Union,
Chinnasalem Taluk,
Kallakurichi - 606 201.

+lcc to M/s.R.Gopinath, Advocate Sr.100276
+lcc to M/s.K.Bhuvaneswari, Advocate Sr.100590
+lcc to the Government Pleader Sr.100715

W.P.No.33682 of 2019 and
WMP Nos.34148,34149,34152 of 2019

vsn II[co]
srg 09/12/2019