

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33859 of 2019
and W.M.P.Nos.34380 & 34381 of 2019

S.Ramakrishnan

... Petitioner

-Vs-

1. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

2. The Commissioner,
Thiruvallur Minicipality,
Thiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to appoint the petitioner in the post of Driver on Regular basis and regularize the service in the post of Driver with effect from 20.01.2001 with all monetary and service benefits.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mrs.K.Bhuvaneswari

Additional Government Pleader

ORDER

This writ petition has been filed seeking for the writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner and to appoint him in the post of Driver on regular basis with all monetary benefits.

2.It is the case of the petitioner that he was appointed as a Substitute Sanitary Worker through Employment Exchange at Thiruvallur Municipality during the year 1992. The petitioner had made a representation to appoint him to the post of Driver and for regularization of the service w.e.f. 02.01.2001. Since the same was not considered by the 1st respondent, petitioner approached this Court and filed W.P.No.2706 of 2008. This Court gave a direction to the respondents to consider the claim made by the petitioner and pass appropriate orders within a period of four weeks.

3. Even after the order passed by this Court, since the respondents did not pass any orders, the petitioner issued contempt notice to the respondents. The 2nd respondent passed an order on 29.10.2008 to the effect that there is no Driver post vacant in the 2nd respondent Municipality and as and when the post falls vacant, the petitioner will be considered on a preferential basis subject to his eligibility. However, no steps were made to appoint the petitioner as a Driver and the petitioner continued to work in the Municipality on a temporary basis.

4. Ultimately, the petitioner came to know that there were vacancies in the post of Driver and out of four sanctioned posts, one post became vacant during the year 2019. Therefore the petitioner made a representation to the 2nd respondent, bringing to his notice, the earlier order passed on 29.10.2008 and requested the 2nd respondent to consider the appointment of the petitioner as a Driver on preferential basis. In spite of receipt of the representation, since no orders were passed by the 2nd respondent, the petitioner has approached this Court seeking for appropriate directions.

5. Heard Mr. A.R. Suresh, learned counsel appearing on behalf of the petitioner and Ms. K. Bhuvaneswari, learned Additional Government Pleader appearing on behalf of the respondents.

6. Taking into consideration the facts and circumstances of the case and the limited prayer that has been sought for by the petitioner, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 15.05.2019 to appoint him as a Driver in the vacancy that has arisen, as per the earlier order passed by the 2nd respondent on 29.10.2008 and pass final orders, strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

7. This writ petition is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

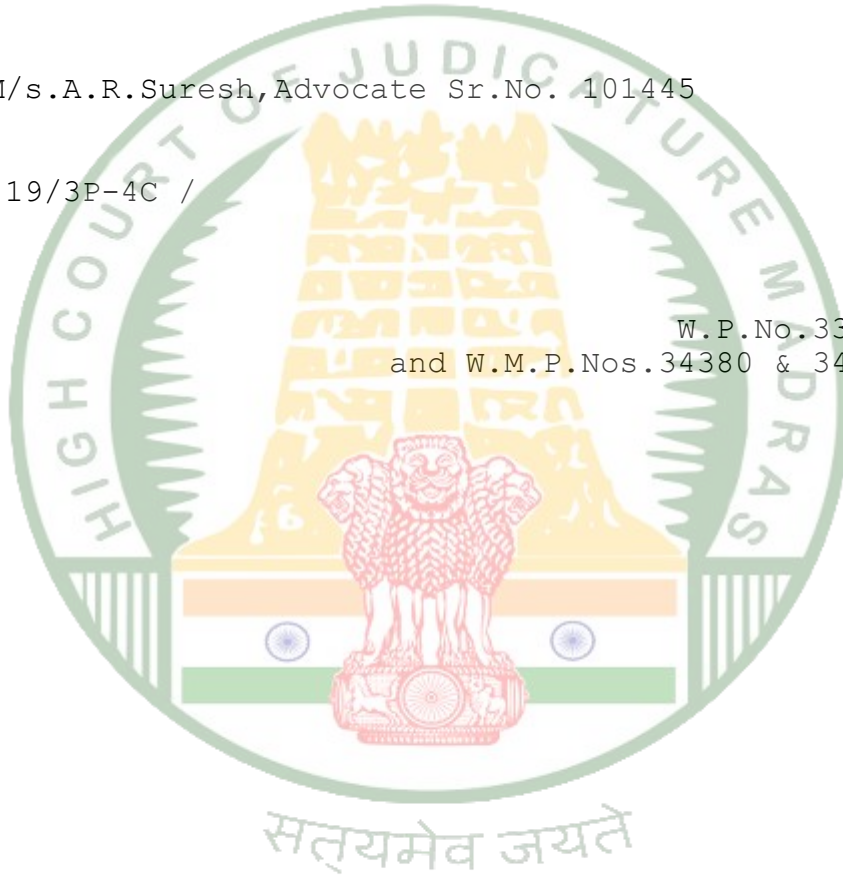
To

1. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.
2. The Commissioner,
Thiruvallur Minicipality,
Thiruvallur.

+1 cc to M/s.A.R.Suresh, Advocate Sr.No. 101445

AKM/09.12.19/3P-4C /

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