



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.4077 of 2015

Mohana

... Petitioner

-Vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Executive Officer,
Selection Grade Town Panchayat,
Thiruppathur,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 05.10.2014 to regularize the petitioner, who has completed more than 10 years of service as sweeper on daily wages basis.

For Petitioner : Mr.V.Kannan

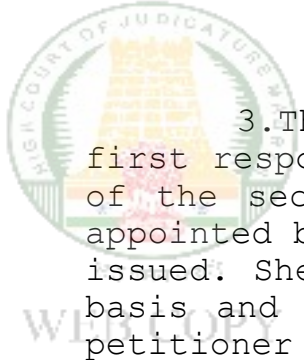
For R1 : Mr.S.Dhayalan
Government Advocate

For R2 : Mr.T.S.Mohamed Mohideen

ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider the representation submitted by the writ petitioner on 05.10.2014 for regularizing the service.

2.Admittedly, the writ petitioner was engaged as a Sweeper through Self Help Group(அன்னை இந்திரா சுய உதவி குழு). When the writ petitioner was appointed as a Sweeper on daily wage basis through Indira Self Help Group, she cannot seek regularisation of her service in the sanctioned post in the regular time scale of pay in the second respondent Town Panchayat.



3. The learned Government Advocate appearing on behalf of the first respondent as well as the learned counsel appearing on behalf of the second respondent states that the writ petitioner was not appointed by the second respondent and no such appointment order was issued. She was engaged by the Indira Self Help Group on daily wage basis and therefore, question of considering the case of the writ petitioner for regularisation or permanent absorption, does not arise at all.

4. When the writ petitioner was not appointed by the competent authority/ second respondent, she is not entitled to seek regularisation or permanent absorption. Admittedly, the writ petitioner was engaged through Indira Self Help Group on daily wage basis and therefore, the representation submitted by the writ petitioner for regularisation of service cannot be considered. Even to issue a direction to consider the representation, petitioner has to establish a legal right. In the absence of establishing any such legal rights, no such direction can be issued. Thus, this Court is of the opinion that even the relief sought for to direct the respondent to consider the representation cannot be granted as the writ petitioner has not established even the semblance of legal rights, so as to consider the relief.

5. With the above observation, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Executive Officer,
Selection Grade Town Panchayat,
Thiruppathur, Sivagangai District.

+1 CC to M/s. T.S. MOHAMED MOHIDHEEN, Advocate
(SR-73197[F] dated 03/07/2019)

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