



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20301 of 2019

and

W.M.P. (MD) Nos.16908 and 16910 of 2019

1.S.Muthurasu

2.P.Murugan

... Petitioners

-Vs-

1.The Director of Town Panchayats,
Office of the Director of Town Panchayats,
7th & 8th Floors, Town Administrative Office,
Chennai-600 028.

2.The Assistant Director,
Town Panchayats,
Theni Region, Theni District.

3.The Executive Officer,
Kuchanur Town Panchayat,
Uthamapalayam Taluk,
Theni District.

4.The Executive Officer,
Genguvarpatti Town Panchayat,
Theni District.

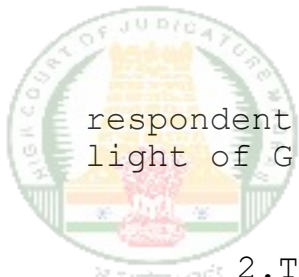
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to promote the petitioners herein as Bill Collector / Junior Assistant on the basis of their seniority as per the proceedings of the second respondent in Na.Ka.No.0471/2017/Peru-2, dated 03.07.2017, and in the light of G.O.(Ms)No.76, dated 31.05.2019.

For Petitioners	: Mr.K.Appadurai
For R1 and R2	: Mr.S.Dhayalan, Government Advocate.
For R3 and R4	: Mr.R.Sethuraman

ORDER

This Writ Petition is filed to direct the respondents to promote the petitioners as Bill Collector / Junior Assistant on the basis of their seniority, as per the proceedings of the second



respondent in Na.Ka.No.0471/2017/Peru-2, dated 03.07.2017 and in the light of G.O.(Ms)No.76, dated 31.05.2019.

2.The learned counsel appearing for the petitioners submitted that both the petitioners were appointed as Sanitary Workers on 11.03.1998 and 01.04.1998 and their services were regularized. The first respondent has requested the Government to absorb all the employees, worked in the Town Panchayat for more than 7 years in the Entry Level Post as a special consideration. The Government has issued G.O.Ms.No.76, Municipal Administration & Water Supply (Peru.1) Department, dated 31.05.2019, for absorption of workers, who were temporarily appointed on daily wage or consolidated basis in various categories in the Town Panchayats into the Entry Level Posts of Junior Assistant / Tax Collector / Typist. The petitioners, in view of their continuous service of 20 years and 19 years, are entitled to be considered for promotion either as Bill Collector or Junior Assistant. Therefore, the petitioners have given representations dated 27.06.2019 and 02.07.2019 to the respondents. However, the same have not been considered by the respondents. Hence, the petitioners have come out with the present Writ Petition.

3.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the Bill Collectors and Junior Assistants are appointed by direct recruitment. The petitioners are not entitled for promotion.

4.Considering the rival contentions made by the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents 1 and 2, without deciding the issues on merits, the first respondent is directed to consider the representation of the petitioners on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

Myr



To

- 1.The Director of Town Panchayats,
Office of the Director of Town Panchayats,
7th & 8th Floors, Town Administrative Office,
Chennai-600 028.
- 2.The Assistant Director,
Town Panchayats,
Theni Region, Theni District.
- 3.The Executive Officer,
Kuchanur Town Panchayat,
Uthamapalayam Taluk,
Theni District.
- 4.The Executive Officer,
Genguvarpatti Town Panchayat,
Theni District.

+1CC TO MR.K.APPADURAI, Advocate Sr. No.92809

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 93249

W.P. (MD) No.20301 of 2019
18.10.2019

SCR(CO)

TR(30.10.2019) 3P 7C

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