



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19398 of 2019

WEB COPY

K.Dharma Raj

... Petitioner

Vs.

1.The Director of Town Panchayat,
O/o.The Director of Town Panchayat,
IV floor, Kuralagam,
Chennai-108.

2.The Assistant Director of Town Panchayat,
O/o.The Assistant Director of Town Panchayat,
Dindigul Zone,
Dindigul District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.1 and 2 to grant salary to the petitioner for the period from 26.11.2016 to 18.01.2019 and regularize the said period as period spent on duty and grant all other consequential benefits such as annual increment from the year 2011 and transfer the petitioner in any of the vacant post of Work Inspector within the Kanyakumari District in the light of the Judgment of this Hon'ble Court in W.P (MD)No.23102 and 23918 of 2016 dated 05.04.2018 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.V.Anand,
Government Advocate

ORDER

This writ petition is filed seeking for a mandamus, directing the Respondents Nos.1 and 2 to grant salary to the petitioner for the period from 26.11.2016 to 18.01.2019 and regularize the said period as period spent on duty and grant all other consequential benefits, such as annual increment from the year 2011 and transfer the petitioner in any of the vacant post of Work Inspector within the Kanyakumari District, in the light of the Judgment of this Hon'ble Court in W.P(MD)No.23102 and 23918 of 2016, dated 05.04.2018.

2.Mr.V.Anand, learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.



3. The petitioner was appointed as Technical Assistant on 01.07.1997 on daily wage basis and subsequently, his services were regularised in the post of Work Inspector on 22.10.2008. The petitioner possessed Diploma in Civil Engineering and five years experience as Work Inspector. He is fully qualified to be promoted to the post of Overseer. The first respondent, by the proceedings, dated 03.03.2016, promoted the petitioner to the post of Overseer. While so, the first respondent by the order, dated 26.11.2016, reverted the petitioner as Work Inspector. He filed a writ petition in W.P.(MD)No.23102 of 2016. This Court, initially granted intereim stay on 11.02.2016 and thereafter, dismissed the writ petition, by an order, dated 05.04.2018. While dismissing the writ petition, this Court in a Common order, directed the respondents to pay the salary to the petitioner for the post of Work Inspector, for the entire stay period and consider and posting the petitioner in the same place, where, he originally worked at the time of promotion and or any other vacancy nearby office, preferably, within the same Revenue District.

4. After the order of this Court, the first respondent by the order, dated 28.12.2018, directed the petitioner to join at Palayam Town Panchayat, Dindigul, due to non availability of the vacancy in Kanyakumari District. The second respondent issued order permitting the petitioner to join duty. The petitioner is working in the same place. The grievance of the petitioner is that he was not paid with salary for the stay period, and not transferred to Kanyakumari District despite the availability of vacancy in all Town Panchayat as per the orders of this Court, dated 5.4.2018, in W.P(MD)No.23102 of 2016.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. Though a larger relief has been prayed in this writ petition, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the first respondent to consider his representation, dated 05.08.2019, in the light of the order passed by this Court in W.P(MD)No.23102 & 23918 of 2016, dated 05.04.2018 and he has also made an endorsement to that effect.

7. Considering the submission of the learned counsel for the petitioner, this Court directs the first respondent to consider the representation of the petitioner, dated 05.08.2019 and pass orders on merits and in accordance with law, in the light of the order passed by this Court, dated 05.04.2016, in W.P(MD)No.23102 of 2016, within a period of eight weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar(CS)

To

1. The Director of Town Panchayat,
O/O.The Director of Town Panchayat,
IV floor, Kuralagam,
Chennai-108.
2. The Assistant Director of Town Panchayat,
O/O.The Assistant Director of Town Panchayat,
Dindigul Zone,
Dindigul District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-86064[F] dated
10/09/2019)

+1 CC to Spl.GP (SR-86274[F] dated 12/09/2019)

W.P. (MD) No.19398 of 2019
09.09.2019

AM

MK (01.10.2019) 3P 5C