



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19823 of 2019

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T.S.Karthikeyan

... Petitioner

-Vs-

1.The Secretary

To the Ministry of Local Body Administration,
Secretariat, Chennai.

2.The Chief Municipal Administrator,
Beech Road, Chennai.

3.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.09.2018 and pass orders regularizing the petitioner's service with retrospective effect taking into account the petitioner's temporary service from 1991 to 2006 and grant all consequential service benefits including time scale of pay and service pension as has been granted to other employees under the respondents.

For Petitioner : Ms.T.Banumathy

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

Heard Ms.T.Banumathy, learned counsel appearing on behalf of the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed for a direction to direct the respondents to consider the petitioner's representation, dated 19.09.2018 and pass orders, regularizing the petitioner's service with retrospective effect, taking into account the petitioner's temporary service from 1991 to 2006 and grant all consequential service benefits, including time scale of pay and service pension as has been granted to other employees under the respondents.



4. According to the petitioner, he was appointed as temporary coolie on daily wages basis from 09.05.1991 in the third respondent Corporation. He continued to work till 2006 in the same cadre and he was appointed in 2006 as Driver in time scale of pay in the third respondent Corporation. The third respondent is deducting some amount in respect of pension contribution (C) from the salary of the petitioner, as the petitioner was appointed on permanent basis only in the year 2006, the regular Government service pension scheme is not applicable to the petitioner.

5. The learned counsel appearing on behalf of the petitioner submitted that if the respondents regularized the service of the petitioner from 1991, he would have got all the benefits. The petitioner gave a representation, dated 19.09.2018, to the respondents to regularize his service from 1991 to 2006 and for consequential service benefits. However, no order was passed thereon. Therefore, the petitioner has come out with the present Writ Petition.

6. Considering the nature of relief sought for in the present Writ Petition, the respondents are directed to consider the representation of the petitioner and pass orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary

To the Ministry of Local Body Administration,
Secretariat, Chennai.

2. The Chief Municipal Administrator,
Beech Road, Chennai.

3. The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.



+1 CC to M/s.T.BAHUMATHY, Advocate (SR-87026[F] dated 17/09/2019)
+1 CC to SPL GP (SR-87942[F] dated 19/09/2019)

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