



WEB COPY

WP(MD).No.6874/16

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.08.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WP(MD)Nos.6874 and 6875 of 2016 and
WMP (MD) Nos.5902 and 5903 of 2016 in
WP(MD)Nos.6874 and 6875 of 2016

Kannan ... Petitioner in WP(MD).No.6874/16

Rengasamy ... Petitioner in W.P(MD).No.6875/16

Vs.

1.The Secretary to Government,
Municipal Administration and Water Distribution Department,
St. George Fort,
Chennai - 600 009.

2.The District of Town Panchayat,
Kuralagam, Chennai - 108.

3.The Assistant Director,
Town Panchayat,
Panagal Building,
Thanjavur.

4.The Executive Officer,
Ammapettai Town Panchayat,
Thanjavur.

5.The Chairman,
Ammapettai Town Panchayat (Selection Grade),
Thanjavur.

... Respondents in both W.Ps.

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.90/2016A1, dated 21.03.2016 passed by the 4th respondent and quash the same and consequently, direct the 4th respondent to regularize the service of the petitioner in the light of the resolution dated 28.03.2013.

For Petitioners : Mr.G. Karnan in both W.Ps.
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
in both W.Ps.



COMMON ORDER

These Writ Petitions have been filed to quash the impugned order passed by the fourth respondent in Na.Ka.No.90/ 2016A1, dated 21.03.2016 and consequently, to direct them to regularize the service of the petitioners in the light of the resolution, dated 28.03.2013.

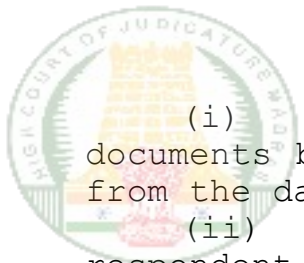
2. The writ petitioners are working as Assistants to the Over Head Tank Operator, at 4th and 5th respondent Office, from 1999 onwards. Without considering the employment of the petitioners and documents, the impugned order has been passed by the 4th respondent. Therefore, the impugned order is liable to be quashed and reconsider the regularization of the petitioners based on the documents filed by them along with representations.

3. The learned counsel appearing for the petitioners submitted that no opportunity was granted to the petitioners for producing the documents before the authority to substantiate their claims that they have been working on consolidated pay from the aforesaid period. Therefore, the said impugned orders are liable to be quashed.

4. The learned Additional Government Pleader appearing for the respondents would submit that the impugned orders passed by the 4th respondent by stating that the said documents filed in the typed set of papers to prove the claim of the petitioners that they have worked as Assistant to Over Head Tank Operators in the Panchayat was not considered by the respondents authority. The 4th respondent has passed an order based on their remarks and documents furnished by the petitioners. If any additional documents filed to support their claims for seeking regularization of service in the light of the G.O.(M.S).No. 198, Local Administration Panchayat Department dated 26.10.1998, the respondent / Department will reconsider and pass appropriate orders, if they are otherwise eligible.

5. In the light of the aforesaid statement of the parties and by considering the submission of the learned Additional Government Pleader appearing for the respondents, the impugned order passed by the 4th respondent without giving an opportunity to the writ petitioner to produce relevant records to claim that they are entitled for the regularization of service, under Government order in G.O.(M.S).No. 198 Local Administration Panchayat Department, dated 26.10.1998.

6. Therefore, this Court is of the considered view that an opportunity shall be granted to the petitioners to produce relevant records before the 4th respondent to claim regularization of the petitioners under the Government order in G.O.Ms.No.198 issued by the Local Administration Panchayat Department, dated 26.10.1998. The impugned order is quashed and consequently, the following order



(i) The writ petitioners are directed to produce relevant documents before the fourth respondent within a period of two weeks from the date of receipt of a copy of this order;

(ii) If any additional document is received by the fourth respondent, same shall be considered and pass appropriate orders on merit and in accordance with law, as expeditiously as possible, preferably within a period of 12 weeks thereafter;

(iii) It is made clear that if no document is furnished by the petitioners within the stipulated period, it is open to the fourth respondent to reject the claim of the petitioners.

7. In the result, the Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1.The Secretary to Government,
Municipal Administration and Water Distribution Department,
St. George Fort, Chennai - 600 009.

2.The District of Town Panchayat, Kuralagam, Chennai - 108.

3.The Assistant Director, Town Panchayat, Panagal Building,
Thanjavur.

4.The Executive Officer, Ammapettai Town Panchayat, Thanjavur.

5.The Chairman, Ammapettai Town Panchayat (Selection Grade),
Thanjavur.

+2 CC to M/s.G.KARNAN, Advocate SR-81446 & 81445.

+1 CC to SPL GP SR-81830.

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CS(07.11.2019) 3P 9C