

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.273 of 2010

S.Murugupandian

.. Petitioner

Vs

1.The District Collector,
Ariyalur.

2.The Assistant Director of Panchayat,
Tiruchirapalli.

3.The Executive Officer,
Udayarpalayam Town Panchayat,
Ariyalur District.

4.The Employment Officer,
Perambalur District.

5.Thiru.M.Kumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relevant to the order in Na.Ka.No.A.3/2328/08, dated 19.12.2008 passed by the first respondent by upholding the appointment of the fifth respondent as Sweeper issued by the third respondent pursuant to the call letter of the third respondent in Na.Ka.No.33/2007 dated 05.05.2008 and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the respondents 1 to 3 to appoint the petitioner as Sweeper in the third respondent Panchayat and pay back all the service benefits to the petitioner.

For petitioner : Mr.B.Gopalakrishnan for
Mr.P.Murugan

For R1, R2 & R4: Mr.K.Magesh, Spl.GP
For R3 : Mr.V.R.Thangavelu
For R5 : No Appearance

ORDER

The petitioner/S.Murugupandian, who is aged about 50 years now, has filed this writ petition in the year 2010, seeking a direction to the respondents to appoint him in the post of Sweeper.

2. When the matter is taken up, learned Special Government Pleader appearing for the respondents 1, 2 and 4, objecting the maintainability of the writ petition, submitted that now the petitioner is aged about 50 years and therefore, he is ineligible for seeking appointment to the post of Sweeper in view of Rule 7 of the Tamil Nadu Municipal Last Grade Service Rules, 1975, prescribing upper age limit of 30 years. For better appreciation, Rule 7 is extracted below:-

"7. Qualification.-- (a) No person shall be appointed to any of the posts in the service, if he has completed or will complete 30 years of age on first day of July of the year in which the selection for appointment is made."

3. In view of the above, as the petitioner is now aged about 50 years, the prayer of the petitioner seeking appointment to the post of Sweeper cannot be sustained and accordingly, the writ petition is dismissed. No Costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rkm

To

1.The District Collector,
Ariyalur.

2.The Assistant Director of Panchayat,
Tiruchirapalli.

3.The Executive Officer,
Udayarpalayam Town Panchayat,
Ariyalur District.

4.The Employment Officer,
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+1 cc to the Government Pleader sr19771

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