

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.25753 of 2013

S.Vadivel

.. Petitioner

- Vs -

1.The Director of Town Panchayat,
Kuralagam,
Chennai 600 108.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Executive Officer,
Suleshwaranpatti Town Panchayat Government,
Suleshwaranpatti
coimbatore District.

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to consider the representation made by the petitioner dated 27.12.2012 for regular absorption of the petitioner to the post of Sanitary Worker in regular time scale of pay in the 3rd Respondent Town Panchayat in furtherance to the implementation of orders passed in W.P.NO.18748 of 2009 dated 14.09.2009, within a time frame to be fixed by this Court.

For Petitioner : Mr. G.Sankaran

For Respondents: Mr.A.N.Thambidurai, Spl.GP. For RR1 & 2
:M/S. N.Sakthivel for R3

ORDER

The case of the petitioner is that the petitioner was engaged as NMRs (Sanitary Worker) in the 3rd respondent Town Panchayat during the year 1996 ad continuously worked as such. As per G.O.Ms.No.199 dated 12.08.1997 and G.O.Ms.No.84 dated 21.05.1998, the petitioner was appointed as Sanitary Worker on consolidated pay of Rs.900 per month as per the proceedings of the 3rd respondent dated 11.05.2001. Subsequently, on completion of 3 years of service on consolidated pay, the petitioner was

not absorbed into regular time scale of pay in view of the the ban imposed by the State Government against the regular appointment. After lifting of ban, the 3rd respondent issued proceedings dated 31.08.2006 absorbing the other similarly placed persons appointed with petitioner into regular time scale of pay and the name of the petitioner was not considered, since the petitioner was not attending work regularly in the year 2005 and 2006 due to chronic jaundice, for which he was taking treatment. After recovery, the petitioner made representation seeking regular absorption into regular time-scale of pay. Since the said representation was not considered, the petitioner filed writ petition in WP.No.18748/2009 and this Court on 14.09.2009 directed the the respondent Town Panchayat to consider his representation in accordance with law. Since no orders have been passed by the Town Panchayat, the petitioner made another representation on 27.12.2012 to the 1st and 2nd respondents requesting to consider the same. However no orders have been passed on the said representation, which necessitated the petitioner to file the present writ petition.

2.Learned counsel appearing for the petitioner submitted that earlier the representation was not considered as directed by this Court . Hence this Court may issue a direction to the respondent Town Panchayat to consider the representations made by the petitioner within a stipulated time fixed by this Court.

3.On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who has no serious objections to such a direction being passed.

4.In view of the limited relief sought for, this Court without going into the merits of the issue, directs the 3rd respondent to consider the representation made by the petitioner on 25.12.2012, in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

jrs

To

1.The Director of Town Panchayat,
Kuralagam,
Chennai 600 018.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Executive Officer,
Suleshwaranpatti Town Panchayat Government,
Suleshwaranpatti
coimbatore District.

+1cc to Government Pleader, High Court, Madras SR.No.25200

W.P. NO.25753/2013

BR(CO)
GMY(17/08/2020)



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