

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4622 of 2020

V.Ramachandran

...Petitioner

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
3. The Commissioner, Vellore Corporation,
Vellore District.
4. The Zonal Officer, Zone IV,
Vellore Corporation,
Vellore District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents particularly the 1st respondent to bring the petitioner under regular time scale from the date (25.03.1988) of his initial appointment as done in the cases of co-watchmen (N.Anbalagan & Govindaraj) of then Allapuram and Melvisharam Town Panchayat, Vellore District with all attendant benefits applying the provisions of Article 14 of the Indian Constitution of India.

For Petitioner : Mr.P.I.Thirumoorthy
For Respondents : Mr.V.Prabhu
Government Advocate

O R D E R

The present writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner and to bring him under the regular time scale from the date of his initial appointment.

2. The case of the petitioner is that he joined the service in the year 1988 as a Watchman. The petitioner was not

brought under the regular time scale and therefore, he approached the Tamil Nadu Administrative Tribunal and filed O.A.No.5922 of 1998, seeking for a direction to the respondent to regularize the service as a Night Watchman, with effect from his initial appointment. The case was finally disposed of in the year 2008 and direction was issued by the Tribunal to consider the case of the petitioner, in terms of G.O.Ms.No.125 MAWSS Department dated 27.05.1999. Pursuant to the orders passed by the Tribunal, the petitioner was brought under regular time scale with effect from 27.05.2000. The grievance of the petitioner is that he was not brought within the regular time scale from the date of his initial appointment in terms of G.O.Ms.No.878 dated 15.05.1981. The petitioner also earlier approached this Court in WP No.28397 of 2014 and this Court also directed the concerned town panchayat to dispose of the representation by an order dated 30.10.2014. This Town Panchayat subsequently got merged with Vellore Corporation and therefore, the earlier order passed by this Court could not be implemented.

3. The petitioner thereafter approached the 3rd respondent by making a representation and seeking for bringing him under regular time scale of pay. Since the same has not been considered by the respondents, the present writ petition has been filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has been fighting for his rights for nearly 20 years, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 10.04.2019 and deal with the same, on its own merits and in accordance with law and in accordance with G.O.Ms.No.878 dated 15.05.1981, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of earlier representation dated 10.04.2019 and also a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

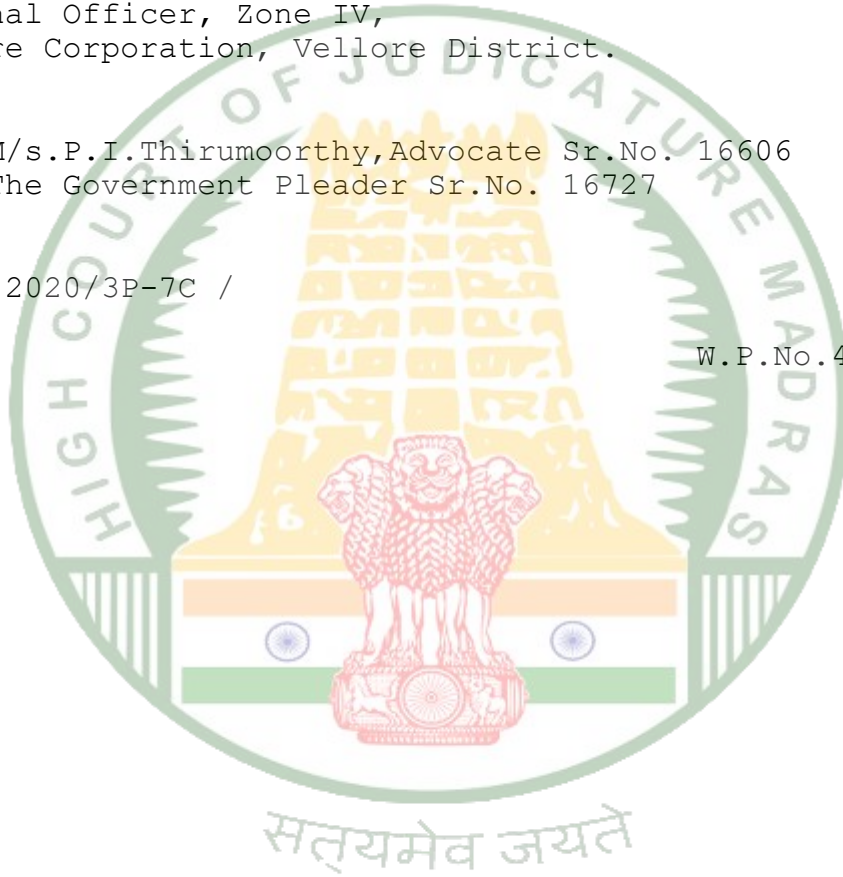
To

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2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
3. The Commissioner, Vellore Corporation,
Vellore District.
4. The Zonal Officer, Zone IV,
Vellore Corporation, Vellore District.

+1 cc to M/s.P.I.Thirumoorthy,Advocate Sr.No. 16606
+1 cc to The Government Pleader Sr.No. 16727

AKM/02.03.2020/3P-7C /

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