

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29256 of 2013

And

M.P.No.1 of 2013

S.Karthi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department (MAWS),
Secretariat, Fort St.George,
Chennai 600 009.
 - 2.The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.
 - 3.The Commissioner,
Tiruppur Corporation,
Tiruppur.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to pass appropriate orders to absorb the petitioner in the 3rd respondent Corporation as Computer Operator/Data Entry Operator by considering the petitioner in the erstwhile Nallur IIIrd Grade Municipality merged with Tiruppur Corporation with effect from 25.10.2011 and consequently to pass appropriate orders to bring the petitioner into regular establishment with regularization of service with time scale of pay in the light of similar orders passed in G.O.Ms.No.121 Municipal Administration and Water Supply Department dated 20.12.2012 and other consequential benefits, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Thangavel for R1 and R2
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to pass appropriate orders to absorb the petitioner in the third respondent Corporation as Computer Operator/ Data Entry Operator by considering the petitioner in the erstwhile Nallur III Grade Municipality merged with Tiruppur Corporation with effect from 25.10.2011 and consequently to pass appropriate orders to bring the petitioner into regular establishment with regularization of service with time scale of pay in the light of similar orders passed in G.O.Ms.No.121, Municipal Administration and Water Supply Department, dated 20.12.2012 and other consequential benefits, within a time frame to be fixed by this Court.

2.The case of the petitioner is that the petitioner was employed on daily wages in the erstwhile Nallur Municipal Town Panchayat. On upgradation of Town Panchayat into III Grade Municipality, the petitioner was engaged as Computer Operator/ Data Entry Operator in the Municipality from the year 2004 onwards. The Executive Officer of Nallur III Grade Municipality forwarded proposal dated 07.05.2007 to the respondents 1 and 2 to regularize the service of the petitioner and since no order was passed, the petitioner filed W.P.No.30060 of 2008 before this Court.

3.It is the further case of the petitioner that this Court vide order dated 23.12.2008 made in W.P.No.30060 of 2008 directed the second respondent to pass appropriate orders on the said proposal. Pursuant to the order of this Court, the second respondent vide proceedings dated 27.01.2009, called for further particulars from the Executive Officer of Nallur III Grade Municipality and the Executive Officer also forwarded the proposal once again, however, no orders were passed. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the Nallur III Grade Municipality was merged with the Tiruppur Corporation on 25.10.2011, however, the petitioner was not absorbed by the third respondent.

5.The learned counsel appearing for the petitioner would further submit that though the writ petition has been filed seeking a larger relief, it would suffice, if this Court issues direction to the second respondent to pass appropriate orders on the proposal dated 07.05.2007 forwarded by the Executive Officer of Nallur III Grade Municipality, within a reasonable time frame.

6.The third respondent has filed counter affidavit stating that at the time of integration of Tiruppur Corporation on 25.10.2011, the petitioner was not a member of service and hence he was not included in the Government Order for absorption.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The petitioner was employed on daily wages in the erstwhile Nallur Municipal Town Panchayat. On upgradation of Town Panchayat into III Grade Municipality, the petitioner was engaged as Computer Operator/ Data Entry Operator in the Municipality from the year 2004 onwards. Thereafter, the Executive Officer of Nallur III Grade Municipality forwarded proposal dated 07.05.2007 to the respondents 1 and 2 to regularize the service of the petitioner and since no order was passed, the petitioner filed W.P.No.30060 of 2008 before this Court.

9.This Court vide order dated 23.12.2008 made in W.P.No.30060 of 2008 directed the second respondent to pass appropriate orders on the said proposal. Pursuant to the order of this Court, the second respondent vide proceedings dated 27.01.2009, called for further particulars from the Executive Officer of Nallur III Grade Municipality and the Executive Officer also forwarded the proposal once again, however, no orders were passed.

10.Considering the limited request made by the learned counsel appearing for the petitioner, this Court directs the second respondent to pass appropriate orders on the proposal dated 07.05.2007 forwarded by the Executive Officer of Nallur III Grade Municipality, within a period of three months from the date of receipt of a copy of this order.

11.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department (MAWS),
Secretariat, Fort St.George,
Chennai 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.

3.The Commissioner,
Tiruppur Corporation,
Tiruppur.

+1 cc to Mr.Amarnath, Advocate,sr.34378.

Mg(co)
krd 5/11

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