

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 32767 of 2013  
and  
M.P.No.1 of 2013

C.Mahadeva

...Petitioner

.Vs.

1. The District Collector,  
Erode District,  
Erode.

2. Thalavadi Panchayat Union,  
Rep. by the Commissioner,  
Thalavadi Panchayat Union,  
Thalavadi, Sathyamangalam Taluk,  
Erode District.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to regularise the service of the petitioner from 1.1.2008 at least in the post of Pump Fitter and pay all monetary and the service benefits with 18% interest.

For Petitioner : M/s.K.Janaki for  
: M/S.M.Srividya

For Respondents : Mr.S.Thangavel , Spl.G.P. For R1  
: Mr.P.Sanjai Gandhi for R2

सत्यमेव जयते  
ORDER

The writ petition has been filed by the petitioner, to direct the respondents to regularise the service of the petitioner from 1.1.2008 at least in the post of Pump Fitter and pay all monetary and the service benefits with 18% interest.

2. The case of the petitioner is the petitioner was selected for appointment to the post of Fitter Assistant by the second respondent on merits and joined service on 1.5.95 and thereafter the first respondent has recommended his case for regularization as per G.O.Ms.No.55, Rural Development and Panchayat (E5) Department dated 10.08.06 along with the recommendation for regularization of other employees who had completed 10 years of

service on the date of recommendation. However the date mentioned in the recommendation of his appointment has wrongly been mentioned as 1.1.98 instead of 1.5.98. As a result when the service of R.M.Puttusamy who also joined with him on the same date was regularised, the petitioner's service was not regularised. Hence the petitioner made a representation to the respondent and till date his representation has not been considered. Aggrieved against the inaction of the respondents, the petitioner has filed this writ petition with the above said prayer.

3. learned counsel appearing for the petitioner submitted that without going into merits of the case, this Court may direct the respondent to dispose of the petitioners representation dated 20.08.2013 within a reasonable time as fixed by this Court.

4.Per contra, learned Special Government Pleader appearing for the respondents filed the counter affidavit and contented that the petitioner is only engaged on NMR basis in the post of Fitter Assistant since 01.05.2002. Hence the petitioner does not fulfill the eligibility criteria as prescribed by the G.O. for regularization, and, therefore, he was not regularized. Further it is submitted that the petitioner absented himself voluntarily from employment since 2009. However he has no serious objection to this Court issuing a direction to the respondents to consider the representation of the petitioner and pass orders within a particular time frame.

5.This Court heard the rival submissions made by the learned counsel on either side and also perused the materials available on records.

6. In view of the limited relief sought for, without going into the merits of the issue and without expressing any opinion, this Court directs the 2<sup>nd</sup> respondent, to consider the petitioner's representation dated 20.08.2013, in accordance with law within a period of 3 months from the date of receipt of copy of this order.

7.With the above direction, this writ petition is disposed of. Consequently connected miscellaneous petition is closed. However that shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

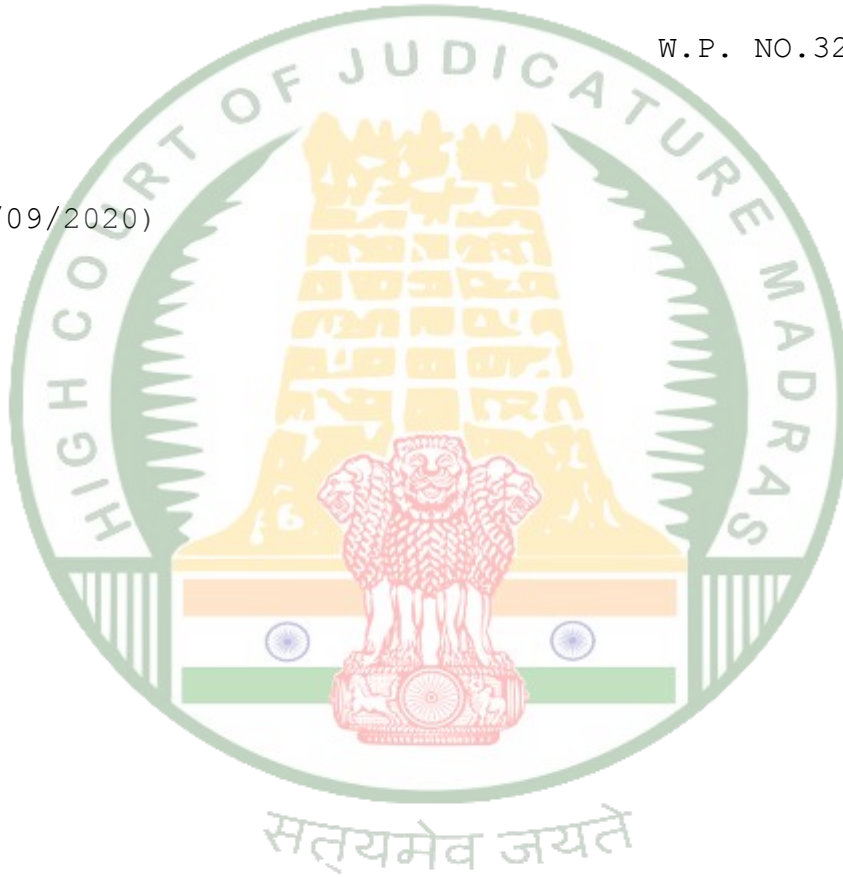
To

1. The District Collector,  
Erode District,  
Erode.
2. Thalavadi Panchayat Union,  
Rep. by the Commissioner,  
Thalavadi Panchayat Union,  
Thalavadi, Sathyamangalam Taluk,  
Erode District.

+1 cc to the Government Pleader Sr.No.26244

W.P. NO.32767 of 2013

pvs (co)  
rr ii (08/09/2020)



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