

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.20078 OF 2014
and MP.No.1 of 2014

B.Anguraj

..Petitioner

- Vs -

1.The Secretary to Government of Tamilnadu,
Municipal Administration and Water
Supply Department,
Fort. St.George, Chennai.

2.The Director of Town Panchayat,
Kuralagam, Chennai.

3.The Executive Officer,
Mulanur Town Panchayat,
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 1st and 2nd respondents to regularise the services of the petitioner by bringing on time scale of pay with effect from 03.09.2004 provided under G.O.Ms.No.72 (MAWS Department) dated 5.5.1998 and in the light of the judgements passed by this court in W.P.25620 of 2006 dated 17.09.2008 and W.A.47/2010 dated 23.06.2010 with all consequential attendant benefits.

For Petitioner : M/S.V.Vijay Shankar

For Respondents : Mr. S.Thangavel,

Special Government Pleader

ORDER

The petitioner in the above writ petition prays, to direct the 1st and 2nd respondents to regularise the services of the petitioner by bringing on time scale of pay with effect from 03.09.2004 provided under G.O.Ms.No.72 (MAWS Department) dated 5.5.1998 and in the light of the judgements passed by this court in W.P.25620 of 2006 dated 17.09.2008 and W.A.47/2010 dated 23.06.2010 with all consequential attendant benefits.

2. According to the petitioner, he was sponsored for employment as Electrical Assistant/Lineman under the 3rd

respondent. The Government has passed G.O.Ms. No.72, dated 05.05.1998 for regularisation of persons working in town panchayats. As per the above G.O., the petitioner was initially brought on consolidated pay basis in 03.09.2001 for a period of 3 years. It is the case of the petitioner that though he completed 3 years i.e., he has put continuous service in the respondent department, till 03.09.2004 no steps were taken to regularise his service as per the government order. On 04.08.2006, he was brought on regular time scale of pay prospectively with effect from 23.06.2006 and thereafter he came to know about the benefits of G.O.Ms.No72, being extended to similarly placed employees in other Town Panchayats. The grievance of the petitioner is that in order to avail such benefits, he made a representation dated 26.10.2013 to the respondents and sought for extension of G.O.Ms.NO.198 from the year 2004. Since no action was taken to extend the benefits, the present petition is filed with above said prayer.

3.Learned counsel appearing for the petitioner submitted though very many grounds have been raised in the writ petition, however, it would suffice this Court issues a direction to the respondents to consider the representation dated 26.10.2013 in the light of the order passed by the Hon'ble Division Bench of this Court in W.A. No.47/2010 within a particular time frame fixed by this Court.

4. No counter affidavit has been filed on behalf of the respondents. However, on the above contention, this Court heard the learned Government Advocate appearing for the respondents, who has no serious objection for considering his representation, in accordance with law, if not considered already.

5.In view of the limited relief sought for, this Court, without going into the merits of the issue, directs the 1st respondent to consider the petitioner's representation dated 26.10.2013, in accordance with law on the basis of the order passed in W.A. No.47/2010, if applicable to the case of the petitioner, within a period of 3 months from the date of receipt of copy of this order, if not considered already.

6.Accordingly, this writ petition is disposed of with the above direction. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.S.III)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government of Tamilnadu,
Municipal Administration and Water
Supply Department,
Fort. St.George, Chennai.

2.The Director of Town Panchayat,
Kuralagam, Chennai.

3.The Executive Officer,
Mulanur Town Panchayat,
Erode District.

+1cc to Mr.V.Vijay Shankar, Advocate Sr.No.41269
+1cc to The Government Pleader Sr.No.40954

AKM/10.02.21 /3P-6C/

W.P. NO. 20078 OF 2014
14.12.2020



WEB COPY