



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02-01-2020

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WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35734 of 2019

K.Samraj

... Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai - 9.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

3.The Commissioner,
Dharmapuri Municipality,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to absorb the petitioner as Meter Reader with effect from the date (25.07.1995) of his joining in the sanctioned post as per the proceedings of 3rd respondent dated 25.07.1995 issued in Na.Ka.No.6830/94/C3 or if not possible with effect from the date (16.10.2001) of his joining in the sanctioned post of Tap Inspector in term of his proceedings dated 20.11.2001 in Na.Ka.No.8614/99/C1 and to pay all consequential service and monetary benefits.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : Mr.P.S.Sivashanmuga Sundaram,
Special Government Pleader
for R1 & R2.

Mr.V.Jayaprakash Narayanan,
Standing Counsel for R3.



O R D E R

Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the 1st and 2nd respondents and Mr.V.Jayaprakash Narayanan, learned Standing Counsel takes notice for the 3rd respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to absorb the petitioner as Meter Reader from the date of his appointment in the sanctioned post from the year 1995 with all consequential service and monetary benefits.

3.The case of the petitioner is that he was selected in an interview conducted by the 3rd respondent and by proceedings dated 15.10.1990 on daily wages. It is the claim made by the petitioner that he has been continuously doing the duty of Meter Reader and all the other duties that was directed to be done including Tax collections.

4.The claim made by the petitioner is that a regular vacancy of a Meter Reader arose in the year 1995 and by the proceedings dated 27.07.1995, the petitioner was appointed in the regular sanctioned vacancy of Meter Reader by the 3rd respondent. This went on for a year until 23.07.1996. The 3rd respondent failed to get a sanction from the 2nd respondent for extension of the period and as a result of the same, the post automatically lapsed. Therefore, the petitioner lost the regular post on completion of one year.

5.The claim made by the petitioner is that he has been continuously engaged as a Meter Reader and he has not been accommodated or absorbed in the regular post. The petitioner relied upon G.O.Ms.No.125 dated 25.07.1999, wherein the petitioner claims that he is entitled for regular time scale.

6.The petitioner made various representations to the respondents to bring him under the regular time scale either from the year 1995, when he was appointed as a Meter Reader or from the year 2001, when he was appointed as a Tap Inspector by applying G.O.Ms.125 MAWSS dated 27.05.1999. Since, the same has not evoked any response from the respondents, the present writ petition has been filed.



7. Heard the learned counsels on either side and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case and the relief that has been sought for in this writ petition, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner dated 29.07.2019 strictly in accordance with law and the relevant Government Orders and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to give a fresh representation to the 3rd respondent along with a copy of the representation dated 29.07.2019 and a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.
3. The Commissioner,
Dharmapuri Municipality,
Dharmapuri District.

+1 cc to M/s.P.I.Thirumoorthy Advocate sr587
+1 cc to the Government Pleader sr987

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