



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2020

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.6346 of 2020
and
W.M.P(MD)No.5580 of 2020

N.Amutha

.. Petitioner

Vs.

1. The Director,
Rural Development and Panchayat Raj Department,
Chennai.

2. The District Collector,
Sivagangai, Sivagangai District.

3. The Commissioner,
Panchayat Union, Sivagangai.

4. The Chairman,
Sivagangai Panchayat Union, Sivagangai.

.. Respondents

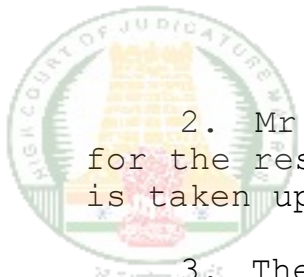
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to regularize the services of the petitioner from the date of appointment i.e. 24.12.2009 with all monetary benefits, as per the proposal dated 14.06.2013 forwarded by the 3rd respondent herein.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.M.Rajarajan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to regularize the services of the petitioner from the date of her appointment i.e. from 24.12.2009 with all monetary benefits, as per the proposal dated 14.06.2013 forwarded by the 3rd respondent herein.

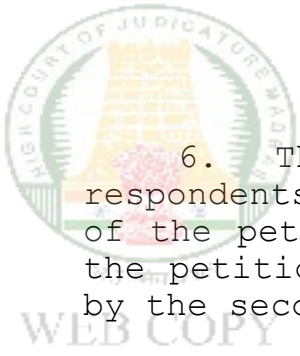


2. Mr.M.Rajarajan, learned Government Advocate, takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel for the petitioner submitted that the petitioner had completed her post-graduation in Economics and PGDCA, HDCA, Diploma programmes in computer, PGDCM Diploma in Co-operative management. Also she had completed Type writing higher grade in both languages Tamil and English. In the year 2009, a temporary post of Computer Assistant fell vacant in the 4th respondent / the Chairman, Sivagangai Panchayat Union. The writ petitioner was selected and appointed to the post of Computer Assistant with effect from 24.12.2009, on daily wages basis vide resolution No.340 and the same was approved by the 2nd respondent / District Collector, Sivagangai District. Further vide resolution dated 13.06.2013, the 4th respondent / Sivagangai Panchayat Union had increased the petitioner's wages from Rs.3000/- to Rs.6000/- .

4. The learned counsel for the petitioner further submitted that after completion of three years of the petitioner's service, the 1st respondent vide proceedings dated 24.05.2013, called for service particulars to regularize the service of petitioner. Accordingly, on 14.06.2013 the 4th respondent / the Chairman, Sivagangai Panchayat Union, forwarded the petitioner's service particulars to the 1st respondent / the Director, Rural Development and Panchayat Raj Department, through the 2nd respondent / District Collector, Sivagangai District. The petitioner was paid salary in the month of March 2020, for the service rendered by her in the month of February 2020.

5. He would further submit that owing to COVID-19 pandemic situation, the petitioner was duly instructed by the 4th respondent / the Chairman, Sivagangai Panchayat Union, to stay at home. The petitioner has not received her salary for the month of April 2020, and on enquiry, it is learnt that a newly elected Chairman of 4th respondent Panchayat Union, had appointed one Mr.Rajiv, as Computer Assistant, additionally, on consolidated pay without getting any approval and following procedure. The petitioner was instructed by the 4th respondent to come to office after relaxation of lock down. Since then, the petitioner was not called for work. The writ petitioner has served in the said post for more than 11 years on consolidated pay and request for regularization of service is pending with the 1st respondent / The Director, Rural Development and Panchayat Raj Department, Chennai, along with the similarly appointed persons. While so, without any reason, she has not been permitted to join duty, which would in turn affect her regularization of service. In this regard, she has sent a representation to the second respondent on 07.05.2020. As there is no response to the same, she has come up with the present writ petition for the relief stated supra.



6. The learned Government Advocate appearing for the respondents states that the proposal for regularization of service of the petitioner is still pending and that the representation of the petitioner dated 07.05.2020 would be considered and disposed of by the second respondent as early as possible.

7. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

8. Though the learned counsel for the petitioner has sought for larger relief, considering the submissions of the learned Government Advocate appearing for the respondents, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 07.05.2020 and pass orders on the same on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 07.05.2020 along with a copy of this order to the second respondent for the early consideration of the matter.

9. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

To

1. The Director,
Rural Development and Panchayat Raj Department,
Chennai.

2. The District Collector,
Sivagangai, Sivagangai District.



3. The Commissioner,
Panchayat Union, Sivagangai.

4. The Chairman,
Sivagangai Panchayat Union, Sivagangai.

ORDER MADE IN

W.P(MD) No. 6346 of 2020

01.06.2020

NR(10.06.2020) 4P 5C