



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2020**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.10605 of 2020

P.Manoharan

...Petitioner

-Vs-

1.The District Collector,
Collectorate Office,
Thanjavur District.

2.The Assistant Director,
Directorate of Panchayat Union,
New Collectorate Office,
Thanjavur-613 010.

3.The Executive Officer,
Ayyampettai Panchayat Union,
Thanjavur District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents No.2 and 3 herein to regularize the service of the petitioner in permanent post of Sweeper with effect from initial date of appointment based on the representation dated 13.01.2020.

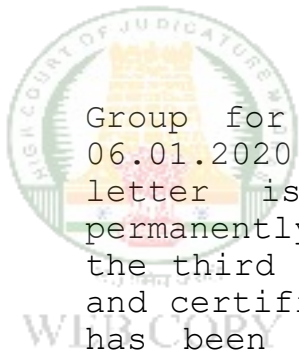
For Petitioner	: M/s.J.Mallika
For Respondents	: Mr.Thiyagarajan, Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondents No.2 and 3 herein to regularize the service of the petitioner in permanent post of Sweeper with effect from initial date of appointment based on the representation dated 13.01.2020.

2.Heard M/s.J.Mallika, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.

3. The petitioner had been working as Sanitary worker at the third respondent Town Panchayat for several years through Self-Help



Group for a consolidated pay of Rs.70/- per day, while so, on 06.01.2020 the petitioner attended an interview pursuant to the call letter issued by the third respondent dated 16.12.2019 to permanently fill up the post of Sanitary worker, which is vacant at the third respondent Town Panchayat. After attending the interview and certificate verification, so far, no further communication since has been received from the third respondent as to whether the petitioner has been selected or not, the petitioner seems to have given a representation to the third respondent on 13.01.2020, therefore, the learned counsel appearing for the petitioner would submit that, the said representation can be directed to be considered on merits and suitable orders to that effect can also directed to be passed, in such event, the petitioner would be satisfied.

4. Heard the learned Government Advocate appearing for the respondents including the third respondent, on instructions, who would submit that, pursuant to the interview where the petitioner and others attended for the post of Sanitary worker, no further action was taken and selection has not been so far made because of COVID-19 situation.

5. Now, considering that normalcy has been restored from today (i.e., on 01.09.2020) the third respondent Town Panchayat would definitely decide the issue and accordingly selecte the candidates. He would also submit that, while considering the same, the candidature of the petitioner also would be taken into account and accordingly, suitable orders would be passed.

6. I have considered the said submissions made by both sides and I have perused the materials placed before this Court.

7. Since the petitioner had been working in the very same third respondent Town Panchayat as Sanitary worker for several years on consolidated pay through self-help group and the grand-father and father of the petitioner had also been working as a sanitary worker in the same Town Panchayat area and so far there has been no blemish on the part of the petitioner for all these years, while he was working as a sanitary worker on daily wage basis for several years and he also attended the interview conducted on 06.01.2020 before the third respondent, the request of the petitioner made through representation, dated 13.01.2020 can also be considered, of course, on merits and accordingly, suitable decision can be taken by the third respondent and final orders to that effect with regard to the selection to the post of sanitary worker at the third respondent Town Panchayat can be made, within a period of four weeks from the date of receipt of a copy of this order.



8. With these observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Collectorate Office,
Thanjavur District.
- 2.The Assistant Director,
Directorate of Panchayat Union,
New Collectorate Office,
Thanjavur-613 010.
- 3.The Executive Officer,
Ayyampettai Panchayat Union,
Thanjavur District.

+1 CC to M/s.T. RAMALINGAM, Advocate (SR-15612[F] dated 02/09/2020)

Order made in
W.P. (MD) No.10605 of 2020
01.09.2020

AC (CO)
KB (06.10.2020) 3P 5C