



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 08.12.2011

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30448 of 2008 and
M.P.No.1 of 2008

V.Levena Devi

...Petitioner

Vs.

1. The Municipal Commissioner,
Thiruppur Municipality,
Thiruppur, Coimbatore.

2. The Chairman, Thiruppur Municipality,
Thiruppur, Coimbatore.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari fied Mandamus to call for the records of the first respondent relating to the impugned order in O.Mu.N.C1/16182/2006 dated 02.01.2007 and to quash it as arbitrary and illegal and consequently direct the respondents to appoint the petitioner in any one of the regular vacancy for the post already held by the petitioner while she was working in the period from 1993 and pass orders.

For petitioner : No appearance

For respondents : Mr.B.Nedunchezian for R1

Writ petition dismissed as against
R2 as per order dated 24.02.2011.

ORDER

This writ petition has been filed to quash the order passed by the first respondent in O.Mu.N.C1/16182/ 2006 dated 02.01.2007 and consequently direct the respondents to appoint the petitioner in any one of the regular vacancy for the post already held by the petitioner while she was working in the period from 1993.



2. The contention of the petitioner is that she had worked in the Thiruppur Municipality as daily paid employee (Nominal Muster Roll) from 21.04.1993 to 30.06.1996, however, she was stopped from service by the respondent Municipality, based on the Government Order in G.O.Ms.125 dated 27.05.1999. According to the petitioner, as per the above G.O.Ms.125, she is eligible for inclusion of her name in the preference list and is entitled to get regularisation of service. But the respondents have removed her name, as per their whims and fancies. Hence this writ petition.

3. The respondents filed counter affidavit, denying the period of service rendered by the petitioner from 21.04.1993 to 03.06.1996, as contended by the petitioner. According to the respondents, the petitioner was engaged as NMR employee only for a short period from 01.03.1995 to 02.09.1995 and hence, she cannot claim the benefit under the G.O.Ms.No.125 dated 27.05.1999.

4. Since the respondents have denied the period of service rendered by the petitioner, the petitioner is not entitled to get the remedy, as prayed for in the writ petition. However, it is open to the petitioner to seek remedy before the appropriate forum.

5. With the above observations, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst
To

1. The Municipal Commissioner,
Thiruppur Municipality,
Thiruppur, Coimbatore.



2. The Chairman, Thiruppur Municipality,
Thiruppur, Coimbatore.

+1 CC to Mr.R.Y. George Williams, Advocate sr 65127.

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CA (CO)
SP (04/01/2022)