

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 03.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.2724 of 2012

K.Venkatesan

... Petitioner

Vs.

1.The Govt. of Tami Nadu,
Rep. by its Secretary,
Municipal Administration,
St. George Fort,
Chennai - 600 009.

2.The Director of Municipal Administration,
Chepuak, Chennai - 600 008.

3.The Commissioner of Municipality,
Chidambaram,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to dispose of the petitioner's representation dated 20.12.2011 pending on the file of the third respondent.

For Petitioner : No appearance

For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the third respondent to dispose of the petitioner's representation dated 20.12.2011 pending on the file of the third respondent.

2.The petitioner claimed to have been appointed as Section Writer at the third respondent Municipality in the year 1988 and thereafter, he worked as a Bill Collector to collect the repayment of the loan in the year 1991 and have been elevated to in the level of Junior Assistant till 30.06.1999 and in this regard, records are available with the third respondent Municipality.

3. In this context, it is the further case of the petitioner that, Government issued a G.O.Ms.No.125 Municipal Administration Water Supply dated 27.05.1999, wherein, orders have been passed for the absorption of temporary workers or NMR workers who had been working in the Municipality or Town Panchayat on the crucial date mentioned in the G.O. Accordingly, the crucial date was on 01.10.1996. Therefore, on that date, who were NMR or temporary workers working in the Town Panchayat or Municipality, can be absorbed by virtue of the G.O.Ms.No.125. In this regard, even though the petitioner has made a request to extend the benefit of G.O.Ms.No.125, the same seems to have been rejected on the ground that, as on or between 27.05.1999 and 30.06.1999 i.e., the date of G.O.Ms.No.125, the petitioner was not working with the third respondent Municipality and therefore, on that ground, his plea was not considered.

4. In this context, it is the further case of the petitioner that, the petitioner was continuously working from 1988 and on the crucial date i.e., on 30.06.1999 and well between 27.05.1999 and 30.06.1999, the petitioner had been working and therefore, the said benefit of the G.O.Ms.No.125 can very well be conferred or extended to the petitioner. Hence, in order to verify the records available with the third respondent Municipality and to give such relief extending the benefits under G.O.Ms.N.125 to the petitioner, he has given the representation to the third respondent Municipality on 20.12.2011. However, since the said representation was not considered, he has approached this Court by filing this writ petition.

5. When the case is called for final hearing, there is no representation for the petitioner. However, Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondents has taken notice and he would submit that, if at all the petitioner had been eligible for considering the candidature of him for absorption under G.O.Ms.No.125, certainly, that would have been considered. But, as per the records available i.e., Municipal Records in the third respondent Municipality, if the petitioner was not working on the crucial date as per the G.O.Ms.No.125, since the petitioner was not working, certainly, the benefits that is accrued out of this G.O.Ms.No.125 cannot be extended to the petitioner.

6. However, he would submit that, since he has given a representation dated 20.12.2011 and if the said representation has not so far been considered, certainly, that would be considered and disposed of on merits and in accordance with law within a time frame that may be stipulated by this Court.

7.I have considered the said submissions made by the learned counsel appearing for the respondents especially the third respondent Municipality and taking into account the aforesaid and the innocuous nature of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following orders.

That the respondents especially the third respondent is hereby directed to consider the representation of the petitioner dated 20.12.2011 and pass orders thereon on merits and in accordance with law, by taking into account the plea raised therein after verifying from the records available with the third respondent Municipality that, whether the petitioner had been continuously working from 1988 till 1999 especially on the crucial date and crucial period which has been mentioned in the relevant relevant G.O. and accordingly, pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8.With this direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Secretary,
Govt. of Tami Nadu,
Municipal Administration,
St. George Fort,
Chennai - 600 009.

- 2.The Director of Municipal Administration,
Chepuak, Chennai - 600 008.

3.The Commissioner of Municipality,
Chidambaram,
Cuddalore District.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate Sr.14045
+1cc to the Government Pleader Sr.13717

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