

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5903 of 2014

P.Balasubramaniam

...Petitioner

Vs.

The Executive Officer,
Sangagiri Panchayat Union,
Salem District.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representations dated 23.09.2011, 27.01.2012 and 14.03.2012 and thereby direct respondent to regularize the petitioner into his service from 05.03.2008 to 17.09.2008 and pay back all the service and monetary benefits to the petitioner.

For Petitioner : Mr.P.A.Chitraimani

For Respondent : Mr.P.Chinnadurai

Additional Government Pleader

ORDER

The prayer made in this writ petition is to direct the respondent to consider the representations dated 23.09.2011, 27.01.2012 and 14.03.2012 submitted by the petitioner and direct the respondent to regularise his service from 05.03.2008 to 17.09.2008 and pay all the service and monetary benefits to him.

2.According to the learned counsel for the petitioner, the petitioner was appointed as Sanitary worker in Mallur Panchayat Union and rendered his service without any disturbance for more than 22 years. While so, on 04.09.2006, he was transferred to Sangagiri Panchayat Union. Subsequently, without any reason, he was again transferred to Trichy District, by order dated 05.03.2008. Challenging the same, he filed WP.No.6142 of 2008 and obtained an order of stay on 11.03.2008. Pursuant to the same, the petitioner was retransferred to the same place i.e., Sangagiri Panchayat Union by order dated 18.09.2008. In view of the same, the said writ petition was dismissed as infructuous vide order dated 07.01.2011. It is the grievance of the petitioner that though he obtained the order of interim stay on 11.03.2008, he was reinstated in service only on 18.09.2008 and

his service for the period from 05.03.2008 to 18.09.2008 was not regularised. Hence, he made representations on 23.09.2011, 27.01.2012 and 14.03.2012 to the respondent seeking to regularize his service for the said period and pay all the service and monetary benefits. Since the said representations were not considered by the respondent, the present writ petition came to be filed before this Court.

3.The learned Additional Government Pleader appearing for the respondent fairly submitted that the respondent would consider the petitioner's representation, if not already considered and pass appropriate merits on merits, within a time frame to be stipulated by this Court.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representation dated 14.03.2012 submitted by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msv

To

The Executive Officer,
Sangagiri Panchayat Union,
Salem District.

+1cc to the Government Pleader, SR.NO.520

+2cc to M/s.P.A.Chithramani, Advocate, SR.NO.141

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SS(CO)
KKV/08/03/2021