



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P(MD)No.15006 of 2021

WEB COPY

C.Ganesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009

2.The Director of Town Panchayats,
Directorate of Town Panchayats,
MRC Nagar, Rajah Annmalaipuram,
Chennai-600 028.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Assistant Director of Town Panchayats,
Tirunelveli Zone,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pass orders granting appointment to the petitioner in the post of Junior Assistant/Bill Collector in the existing vacancy in Town Panchayat in Tirunelveli District based on the qualification of the petitioner as per G.O.Ms.No.206, Municipal Administration and Water Supply Department dated 02.11.1995 in the light of the orders passed in W.A.Nos.778&779 of 2017 dated 03.07.2018 with retrospective effect from the date of initial appointment as Office Assistant with all consequential and other attendant benefits, including arrears of salary and further promotion of the petitioner, by considering the representation submitted by the petitioner dated 08.02.2021, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.K.Manickam



ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to pass orders granting appointment to the petitioner in the post of Junior Assistant/Bill Collector in the existing vacancy in Town Panchayat in Tirunelveli District based on the qualification of the petitioner as per G.O.Ms.No.206, Municipal Administration and Water Supply Department dated 02.11.1995 in the light of the orders passed in W.A.Nos.778 & 779 of 2017 dated 03.07.2018 with retrospective effect from the date of initial appointment as Office Assistant with all consequential and other attendant benefits, including arrears of salary and further promotion of the petitioner, by considering the representation submitted by the petitioner dated 08.02.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, his father was working as a Sweeper in respondent Town Panchayat and he was expired on 01.11.1997 while he was in service. According to the petitioner, since he was qualified with Higher Secondary (+2), he was eligible to be appointed as Junior Assistant in the respondent Town Panchayat, but the respondent has issued the order of appointment to the post of Office Assistant in the respondent Town Panchayat on the premises that the petitioner's father was employed only as Sweeper. The petitioner submitted a representation dated 08.02.2021 seeking appointment to the post of Junior Assistant/Bill Collector as per G.O.Ms.No.206 MAWS Department dated 02.11.1995, as per which, the post of Junior Assistant/Typist can be granted on compassionate grounds only to the legal heirs of Town Panchayat staff who were earlier employed in the post of Record Clerk, Office Assistant, Watchman, etc. Since the post of Sweeper was not included in the Government Order, the legal heirs of the deceased Sweeper are not entitled for appointment to the post of Junior Assistant. In view of the order passed by this Court in W.A.Nos.778 & 779 of 2017 dated 03.07.2018, the second respondent vide his proceedings dated 20.10.2009, forwarded necessary proposal to the Government for extending the benefit of G.O.Ms.No.206 MAWS Department dated 02.11.1995 to provide appointment in the cadre of Junior Assistant to the legal heirs of the deceased Town Panchayat staff employed in other post and the petitioner's request would be considered after receipt of the decision taken by the Government. Further, the Executive Officer, Manimuthar Town Panchayat has forwarded a proposal on 11.02.2021 to the second respondent enclosing a copy of petitioner's representation for taking a decision for compassionate appointment. However, the said proposal is still pending with the second respondent. Hence, the petitioner has come forward by way of this writ petition before this Court.



5.The learned counsel for the respondents would submit that if the petitioner is eligible to be appointed as Junior Assistant, the second respondent will consider the same based on the proposal forwarded by the Executive Officer, Manimuthar Town Panchayat.

6.On considering the submissions made by the learned counsel on either side, and also considering the limited scope of prayer as sought for by the petitioner, without expressing any opinion on merits, this Court directs the second respondent to consider the representation of the petitioner dated 08.02.2021 and pass appropriate orders on merits and in accordance with law by taking note of the proposal forwarded by the Executive Officer, Manimuthar Town Panchayat. The said exercise shall be carried out within a period of 8 weeks from the date of a receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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 Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration & Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009

2.The Director of Town Panchayats,
Directorate of Town Panchayats,
MRC Nagar, Rajah Annmalaipuram,
Chennai-600 028.



3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Assistant Director of Town Panchayats,
Tirunelveli Zone,
Tirunelveli.

+1 CC to M/s.F.DEEPAK, Advocate (SR-27082[F] dated 24/08/2021)

+1 CC to M/s.GP (SR-27391[F] dated 26/08/2021)

W.P (MD) No.15006 of 2021
24.08.2021

RK (06.09.2021) 4P 7C