



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.10650 of 2018

and W.M.P (MD)No.9732 of 2018

WEB COPY

C.Ramesh

... Petitioner

Vs.

1.The Secretary,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai 600 009.

2.The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai 600 108.

3.The Assistant Director of Town Panchayat,
Collectorate,
Nagercoil,
Kanyakumar District - 629 001.

4.The Executive Officer,
Palapallam Town Panchayat,
Palapallam Post,
Kanyakumar District 629 159.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner in the post of Overhead Water Tank (OHT) operator in Palappallam Town Panchayat, Nagercoil zone, Kanyakumari District, on time scale pay basis as per G.O.Ms.No.198, Rural Development Department, dated 26.10.1998 and also on par with the second respondent's proceedings R.C.No.12159-1/2000/A3, dated 10.07.2000 and subsequently pay arrears and other monetary benefits from 01.07.2013 after adjusting consolidated pay realized.

For Petitioner : Mr.K.C.Maniyarasu

For R1 to R3 : Mr.A.K.Manikkam
Special Government Pleader

For R4 : Mr.M.Rajarajan



O R D E R

Heard Mr.S.K.Muthiah, learned counsel for the petitioner and Mr.A.K.Manickam, learned Special Government Pleader, appearing for the respondents.

2. The petitioner claims to have been appointed as a Plumber on contract basis by the Executive Officer, Pallapallam Town Panchayat/R4. He has filed the present Writ Petition seeking a mandamus directing the respondents to appoint him in the post of Overhead Water Tank (OHT) operator on time scale pay basis as per G.O.Ms.No.198 Rural Development Department dated 26.10.1998, bearing in mind the order dated 10.07.2000, whereunder 11 sanctioned posts have been created, and of which, 4 have been sanctioned.

3. It is one of the aforesaid sanctioned posts that the petitioner covets. The question of issuing positive direction for appointment does not arise as there are several factual aspects of the matter at play, such as the candidate's credentials and his suitability. Thus, at best, the petitioner can be permitted, which right he always has, to seek appointment in the sanctioned post by way of proper representation.

4. The petitioner anticipates a negative response from the respondent as his entry in the Department has been by way of an appointment to the post of plumber, on contract basis. In my considered view, he need have no such apprehension as his appointment of Plumber would hardly stand in the way of his being considered for the post of Overhead Water Tank (OHT) operator if he possesses proper qualifications as well as satisfies all requirements for the post.

5. In fact, the petitioner would state that despite his appointment as Plumber, he has been rendering services as an OHT as well. This dual role played by the petitioner should itself dispel any apprehensions in this regard as, if this submission were to be found correct, the petitioner has prior experience in the concerned line of work as well.

6. The representation filed by the petitioner on 04.05.2018 before the fourth respondent shall be considered by him and decided after hearing the petitioner and in accordance with law, within eight(8) weeks from today.

7.The interim injunction restraining the respondent from interfering with the employment of the petitioner OHT granted by this Court on 09.05.2018 shall continue for a period of eight (8) weeks or till disposal of the representation, whichever is earlier.



This Writ Petition is disposed as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2022

Sub Assistant Registrar(CS)

CM

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 Secretary,
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3.The Assistant Director of Town Panchayat,
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4.The Executive Officer,
Palapallam Town Panchayat,
Palapallam Post,
Kanyakumar District 629 159.

+1 CC to M/s.K.C. MANIYARASU, Advocate (SR-35008[F] dated 18/11/2021)

+1 CC to M/s.SPL GP (SR-34967[F] dated 18/11/2021)

W.P.(MD) No.10650 of 2018
and W.M.P(MD)No.9732 of 2018
17.11.2021

MGJ(27.01.2022) 3P 7C

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