



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)No.6948 of 2017

WEB COPY

V.Kannan

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Commissioner,
Panchayat Union Office,
Vadugapatty, Periyakulam,
Peiriyakulam Taluk,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent to send the details of the petitioner's service to the first respondent, as per the proceedings of the first respondent in Na.Ka.No.18566/2015/Ou.Va.6 dated 30.09.2016 and further direct the respondents to appoint the petitioner as Driver in the office of the second respondent with regularisation of petitioner's service with all monetary and consequential benefits.

For Petitioner	: Mr.B.Benazir Begum
For R1	: Mr.A.Karthik Government Advocate
For R2	: Mr.D.Muruganantham

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the second respondent to send the details of the petitioner's service to the first respondent, as per the proceedings of the first respondent in Na.Ka.No.18566/2015/Ou.Va.6, dated 30.09.2016 and further direct the respondents to appoint the petitioner as Driver in the office of the second respondent with regularisation of petitioner's service with all monetary and consequential benefits.

2. The case of the petitioner is that the petitioner was appointed as Driver on daily wage basis, in the second respondent Panchayat Union in the year 1999 and he was employed till 2004 on temporary basis. It is the further case of the petitioner that similarly placed daily wage employees were appointed through appropriate resolutions and their services were also regularised. However, the petitioner was not provided any work till the year



2007. Therefore, the petitioner has made a representation to the respondents on 07.03.2005, requesting them to regularise the petitioner's service as Driver. However, they have not considered the same. Hence, the petitioner has filed a writ petition in W.P. (MD).No.13131 of 2009 before this Court to appoint the petitioner as Driver and to regularise the petitioner's service. This Court, by order dated 11.12.2009, directed the respondents to consider the petitioner's representation within a period of six weeks from the date of receipt of the copy of the said order. Thereafter, in compliance of the above said order, the District Collector sent a communication to the second respondent dated 30.09.2016, to send the details of the petitioner's service in the form of notice. However, the said particulars was not forwarded by the second respondent to the first respondent. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to forward the service records of the petitioner to the first respondent, to enable the first respondent to pass appropriate orders.

4. Per contra, the learned Government Advocate appearing for the respondents would submit that the petitioner has already filed a writ petition before this Court in W.P.(MD).No.22427 of 2016 and this Court, by order dated 15.02.2019, directed the respondents to consider the petitioner's representation, dated 26.09.2016, in the light of the resolution dated 21.04.1999. In compliance of the above said order, the petitioner's representation was rejected by proceedings dated 12.06.2019 and the said proceedings was communicated to the petitioner and the same was also received by the petitioner on 25.06.2019.

5. In view of the above, already the petitioner's claim was rejected by the respondents on 12.06.2019 and without challenging the said proceedings, filing the present writ petition is not sustainable one. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out the remedy, in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Akv



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 District Collector,
Theni District,
Theni.
- 2.The Commissioner,
Panchayat Union Office,
Vadugapatty,
Periyakulam,
Peiriyakulam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-12120[F] dated 18/03/2021)

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srk(CO)
TR(23.06.2021) 3P 4C