

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE Mr.JUSTICE D. KRISHNAKUMAR

W.P.No.27174 of 2021

C.Sabari

...Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District.

2.The Executive Officer,
Selection Grade Town Panchayath,
Chetpet, Tiruvannamalai District,
Tamil Nadu 606801.

3.The General Director,
Selection Grade Town Panchayath,
8th Floor Town Administration Office,
Raja Annamalaipuram, Chennai 28.

4.The Assistant Director,
Chetpet, Town Panchayath,
Vellore Zone, Tiruvannamalai District.

...Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to revise the petitioner's appointment as junior assistant with effect from his date of appointment (viz. 10.11.2016) and further direct the respondents to provide subsequent promotions by taking into account of the service rendered by the petitioner in the cadre of Sanitary Work along with back wages and other monetary benefits within a time frame.

For Petitioner : Mr.K.Mohamed Riyas

For Respondents
for RR1, 3 & 4 : Mr.T.Arunkumar, AGP

for R2 : Mr.S.J.Mohamed Sathik

ORDER

This petition has been filed for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's appointment as junior assistant with effect from his date of appointment (viz. 10.11.2016) and further direct the respondents to provide subsequent promotions by taking into account of the service rendered by the petitioner in the cadre of Sanitary Work along with back wages and other monetary benefits within a time frame.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as a sanitary worker on 10.11.2016 on compassionate ground. The education qualification required for the said post is VIII standard pass or fail. However, at the time of appointment, he passed SSLC, which is the requisite qualification for the post of Junior Assistant/Typist. He further submitted that as per the Government Order in G.O.Ms.No.1499 (Labour and Employment Department) dated 03.08.1989, he is entitled to be appointed as Junior Assistant/Typist. Based on the above said G.O., this Court earlier in the case of E.V.Sivakumar vs. The Secretary to Government, in W.P.(MD).No.3642 of 2011, dated 15.02.2017 has granted similar relief by treating initial date of appointment as Junior Assistant with consequential relief. Hence, he made a detailed representation to the respondents herein on 19.08.2021 to revise his service as Junior Assistant with effect from his date of appointment. The same has not been considered and hence, the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents 1, 3 and 4 submitted that the representation of the petitioner will be considered in accordance with law.

4. In view of the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 19.08.2021 and pass orders, on merits and in accordance with law as expeditiously as possible, preferably within a period of twelve weeks, from the date of receipt of a copy of this order, after providing necessary opportunity to the petitioner.

5. With the above observations and directions, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The District Collector,
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- 4.The Assistant Director,
Chetpet, Town Panchayath,
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+lcc to Government Pleader SR. No. 39887

W.P.No.27174 of 2021

SKM (CO)
PR (21/07/2022)