



W.P.No.30215 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30215 of 2022

M. Selvarajan

.. Petitioner

Vs.

- 1.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Chennai – 9,
- 2.The Director of Town Panchayat,
M.R.C Nagar, Chennai – 28.
- 3.The Assistant Director of Town Panchayat,
Kancheepuram Region, Kancheepuram District.
- 4.The Executive Officer,
Perungalthur Town Panchayat,
Chennai – 63.
- 5.The Commissioner,
Tambaram Corporation,
Chennai – 45.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the petitioner's representation dated 21.01.2022 regarding to extend the benefits of under the category mentioned



W.P.No.30215 of 2022

in Para 3(3)(ii) of G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.05.1998 by bringing them into regular time scale of pay from the date of completion of the one year of service in the consolidated pay service (i.e. 05.12.2002) and in the light of orders of this Court passed in W.P.No.20605 of 2012 dated 03.08.2012, W.P.No.9583 of 2013 dated 08.11.2019 with all consequential service and monetary benefits.

For Petitioner : Mr.A. Baskaran

For Respondents : Mr.M. Shajahan,
Special Government Pleader [R1 to R3]
Mr.T. Chandrasekar [R4 & R5]

ORDER

This Writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 21.01.2022, seeking for extending the benefits of G.O.Ms.No.84, Municipal Administration and Water Supply Department dated 21.05.1998 to him, by bringing him under the regular time scale of pay from the date of completion of the one year of service in the consolidated pay service.

2. Heard the learned counsel for the petitioner. Mr.M. Shajahan, learned Special Government Pleader, accepts notice on behalf of the



W.P.No.30215 of 2022

respondents 1 to 3 and Mr.T. Chandrasekar, learned counsel, accepts notice on behalf of 4th and 5th respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that he was brought under the regular time scale of pay only after the period of three years from the date of his appointment on consolidated pay. According to him, as per G.O.Ms.No.84, Municipal Administration and Water Supply Department dated 21.05.1998, he ought to have been brought into the regular time scale of pay from the date of completion of one year of service in the consolidated pay. The petitioner also relies upon the orders passed by this Court in W.P.No.20605 of 2012 dated 03.08.2012 and W.P.No.9583 of 2013 dated 08.11.2019, in order to substantiate his claim.

4. No prejudice will be caused to the respondents if the petitioner's representation dated 21.01.2022, is considered on merits and in accordance with law, within a time frame to be fixed by this Court. Since the representation given by the petitioner is an old one, the petitioner will have to give a fresh representation.

5. For the foregoing reasons, this Court directs the petitioner to give a



W.P.No.30215 of 2022

fresh representation to 1st, 2nd, 3rd and 5th respondents, within a period of one

(1) week from the date of receipt of a copy of this order, requesting them to bring him into the regular time scale of pay from the date of completion of his one year service in the consolidated pay. On receipt of the said representation, 1st, 2nd, 3rd and 5th respondents shall pass final orders on merits and in accordance with law, after giving due consideration to G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.05.1998 and the orders passed by this Court in W.P.No.20605 of 2012 dated 03.08.2012 and W.P.No.9583 of 2013 dated 08.11.2019, within a period of twelve (12) weeks thereafter. The petitioner is directed to send a copy of G.O.Ms.No.84 dated 21.05.1998 and the orders passed in W.P.No.20605 of 2012 dated 03.08.2012 and W.P.No.9583 of 2013 dated 08.11.2019, referred to supra, to the respondents, for effective implementation of this order.

6. With the aforesaid directions, this Writ Petition is disposed of. No costs.

15.11.2022

Speaking/Non-speaking order

Index: Yes/No

Sni



W.P.No.30215 of 2022

WEB COPY

To

- 1.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Chennai – 9,
- 2.The Director of Town Panchayat,
M.R.C Nagar, Chennai – 28.
- 3.The Assistant Director of Town Panchayat,
Kancheepuram Region, Kancheepuram District.
- 4.The Executive Officer,
Perungalthur Town Panchayat,
Chennai – 63.
- 5.The Commissioner,
Tambaram Corporation,
Chennai – 45.



WEB COPY



W.P.No.30215 of 2022

ABDUL QUDDHOSE,J.

Sni

W.P.No.30215 of 2022

15.11.2022