



W.P. No.30491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 17.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30491 of 2022

S. Kumarasamy

...Petitioner

VS.

1. The Director of Town Panchayat,
M.R.C. Nagar,
Chennai – 28.

2. The Assistant Director of Town Panchayat,
Erode Region,
Tiruppur District.

3. The Executive Officer,
Madathukulam Town Panchayat,
Erode District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner representation dated 25.02.2022 regarding to modify their order dated 6.3.2014 in his Proceedings (Ref. No.3 Pro.Na.Ka.39.thi/2014/P2 of the 3rd respondent) Rc. No.18/2014 of the 3rd respondent as to bring them to regular time scale of pay on completion of three years of consolidated pay services with effect from 27.4.2001 instead of 18.10.2013 and sanction all the service and monetary benefits as per G.O. Ms. No.199 M.A. & W.S. Department dated 12.8.1997 and G.O. Ms. No.84 M.A. & W.S. Department dated 21.5.1998 and G.O. Ms. No.529 M.A. & W.S. Department dated 18.10.2013 and already issued



W.P. No.30491 of 2022

based on the above G.O.s followed to instructions by the 1st respondent in Letter Rc. No.14265/2006/A3, dated 29.10.2013 and finally government passed Common G.O. in G.O. Ms. No.142 Municipal Administration and Water Supply (TP1) Department dated 23.9.2015.

For petitioner : Mr.A. Baskaran
For respondents : Mr.M. Shajahan,
Special Government Pleader
for R1 & R2
Mr.M. Venkateswaran,
Special Government Pleader for R3

ORDER

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

2. Mr.M. Shajahan, learned Special Government Pleader accepts notice for the 1st and 2nd respondents and Mr.M. Venkateswaran, learned Special Government Pleader accepts notice for the 3rd respondent.

3. This writ petition has been filed for implementation of G.O. Ms. No.142 Municipal Administration and Water Supply (TP1) Department dated 23.9.2015.

4. The petitioner claims that he was initially appointed as Substitute Worker in the 3rd respondent Town Panchayat vide Proceedings dated 21.04.1992 and subsequently he was appointed in the regular vacancy on consolidated wages vide Proceedings dated 27.04.1998, thereby he



W.P. No.30491 of 2022

completed three years of service. It is his grievance that though he has completed three years of service, he was not brought into regular time scale of pay as per G.O. Ms. No.199 M.A. & W.S. Department, dated 12.08.1997 and G.O. Ms. No.84 M.A. & W.S. Department, dated 21.05.1998. According to the petitioner, his earlier representation and instructions issued by the 1st respondent based on the orders of this Court on 21.09.2012 in W.P. No.21488 of 2012, have not been considered and thus, the 2nd and 3rd respondents passed orders, which are contrary to the aforesaid G.O.s. Furtherance to the orders passed by this Court in a batch of cases, the Government passed G.O. Ms. No.142 Municipal Administration and Water Supply (TP1) Department dated 23.9.2015.

5. According to the petitioner G.O. Ms. No.142, dated 23.09.2015 referred to supra is applicable to him. In such circumstances, he has given a representation on 25.02.2022 seeking for implementation of G.O. Ms. No.142, Municipal Administration and Water Supply (TP1) Department dated 23.9.2015 in his favour. Since the representation has not been considered, till date, he has filed this writ petition.

6. Heard Mr.A. Baskaran, learned counsel for the petitioner,



W.P. No.30491 of 2022

Mr.M.Shajahan, learned Special Government Pleader for the 1st and 2nd respondents and Mr.M. Venkateswaran, learned Special Government Pleader for the 3rd respondent.

7. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the respondents to pass final orders on the petitioner's representation, dated 25.02.2022 seeking for implementation of G.O. Ms. No.142, Municipal Administration and Water Supply (TP1) Department dated 23.9.2015 on merits and in accordance with law in his favour within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition is disposed of. No costs.

17.11.2022

(2/2)

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



W.P. No.30491 of 2022

WEB COPY

To

1. The Director of Town Panchayat,
M.R.C. Nagar,
Chennai – 28.

2. The Assistant Director of Town Panchayat,
Erode Region,
Tiruppur District.

3. The Executive Officer,
Madathukulam Town Panchayat,
Erode District.



WEB COPY



W.P. No.30491 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. No.30491 of 2022

17.11.2022

(2/2)