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W.P. No.32178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32178 of 2022

K. Marimuthu

... Petitioner

Versus

1. The Secretary to Government
Municipal Administration and Water
Supply Department,
Chennai – 9.

2. The Director of Town Panchayat
M.R.C. Nagar,
Chennai 104.

3. The District Collector,
Tiruppur,
Tiruppur District.

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

5. The Executive Officer,
Madathukulam Town Panchayat,
Tiruppur District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to consider and pass orders on my representation dated 14.10.2022 requesting provide the petitioner to suitable alternative employment as Junior Assistant in vacant place at Madathukulam Town Panchayat in the light of the orders of this Hon'ble High Court in W.P.



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No.14556/2021 dated 16.7.2021 and implement the above order in Pro.Na.Ka.No.3866/2021/C1, dated 6.12.2021 of the Commissioner, Tambaram Corporation in Pro.Na.Ka.No.3866/2021/C1, dated 6.12.2021.

For Petitioner : Mr.A.Baskaran

For Respondents : Mr.R.O. Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to appoint the petitioner as a Junior Assistant at Madathukulam Town Panchayat based on his educational qualification, within a time frame to be fixed by this Court.

2. The petitioner has given a representation on 14.10.2022 for the aforementioned purpose. The petitioner relies upon an order dated 16.07.2021 passed by this Court in W.P. No.14556 of 2021, which according to him was implemented by the order of the Commissioner, Tambaram Corporation in Pro.Na.Ka.No.3866/2021/C1, dated 6.12.2021.

3. The petitioner was earlier appointed as a Driver and due to his illhealth pursuant to the directions given by this Court, he was provided an alternative employment viz., Sanitary Supervisor. Now, the petitioner claims that there is a vacancy to the post of Junior Assistant at Madathukulam Town Panchayat. According to him, having studied 10th standard, he is qualified to get appointed to the said post of Junior Assistant. In such circumstances, he has



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given the aforesaid representation dated 14.10.2022 seeking for appointment of Junior Assistant in place of Sanitary Supervisor. Since the representation has not been considered till date, he has filed this writ petition.

4. Heard Mr.A.Baskaran, learned counsel for the petitioner and Mr.R.O.Dinesh Rajkumar, learned Additional Government Pleader for the respondents 1 to 5.

5. At the outset, the learned Government Advocate appearing for the respondents would submit that the petitioner is not entitled for the relief as sought for in this writ petition. However, the learned counsel for the petitioner would submit that the rules have been relaxed to enable the petitioner to seek for appointment as Junior Assistant even though, he was originally appointed as a Driver.

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

7. This Court is not expressing any opinion on the merits of the petitioner's claim and it is for the respondents to consider his representation on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the 3rd respondent to



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pass final orders on merits and in accordance with law on the petitioner's representation dated 14.10.2022 seeking for providing him with an alternative employment as Junior Assistant at Madathukulam Town Panchayat, within a period of twelve weeks from the date of receipt of a copy of this order.

9. While passing final orders, the 1st respondent is directed to consider the order dated 16.07.2021 passed in W.P. No.14556 of 2021 and the Government Order dated 06.12.2021 in Pro.Na.Ka.No.3866/2021/C1 issued by the Commissioner, Tambaram Corporation.

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

05.12.2022

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

1. The Secretary to Government
Municipal Administration and Water
Supply Department,
Chennai – 9.

2. The Director of Town Panchayat
M.R.C. Nagar,
Chennai 104.

3. The District Collector,

<https://www.mhc.tn.gov.in/judis>



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Tiruppur,
Tiruppur District.

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

5. The Executive Officer,
Madathukulam Town Panchayat,
Tiruppur District.



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