



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14580 of 2019

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V.Visuvasamary

... Petitioner

vs.

1.The Director of Municipal Administration
Ezhilagam, Chepauk, Chennai-600 005

2.The Commissioner
Dindigul Corporation
Dindigul-624 001

3.The Commissioner
Oddanchatram Municipality
No.475, Palani Main Road, Oddanchatram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 2nd respondent, namely, the Commissioner, Dindigul Municipality to enter the service particulars of the petitioner's husband Victor Rajendran, namely, date of appointment salary, date of birth etc., in his service register and forward the same to the 3rd respondent Municipality.

For Petitioner : Mr.K.Shanmugakani

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader for R1

Mr.J.Lawrance for R2

No appearance for R3

O R D E R

The relief sought for in this writ petition is to direct the second respondent to enter the particulars regarding date of birth, date of appointment etc., of the petitioner's husband, namely, Victor Rajendran in his service register and forward the same to the third respondent.

2. The petitioner states that 25 workers, including her husband, were worked as Nominal Muster Roll (NMR) employees in Dindigul Municipality for more than 15 years. However, the services of those employees were not regularized and they filed W.P.No.37676 of 2004 and this court, by order dated 17.04.2006, directed the respondents to regularize their services. Subsequently, the petitioner's husband died and the fact remains that the services of those employees are not regularized. Under these circumstances, the



petitioner, who is the wife of the deceased employee, has filed this writ petition seeking a direction to the respondents to register the service particulars of her husband / deceased employee.

3. This Court is of the considered opinion that admittedly, the petitioner's husband was engaged as an NMR employee and his service particulars will be available with the Department. Once it is contended that the services of the petitioner's husband are not regularized, then he cannot be considered as a permanent employee and will be considered only as a daily wage employee. The indirect way of asking the prayer with an idea to get the relief can never be encouraged by the Courts. The relief sought for before the High Court must be in a proper format for the purpose of redressal of the grievance. Contrarily, the petitioner on the one hand says that her husband was an NMR employee and on the other hand, she says that his services are not regularized. However, if the services of the petitioner's husband were regularized, then his service particulars will be very much available with the Department and it is not for the High Court to direct the Authority concerned to enter the service particulars of the employee concerned in his service register. Hence, the relief sought for by the petitioner is absolutely misconceived and such a relief cannot be granted in normal circumstances. Whenever an appointment order is issued by the Competent Authority, the necessary particulars of the employee concerned will be entered in his service register. In the present case, the employee, who was temporarily engaged, died. In such circumstances, a doubt arises with reference to his employment itself. Hence, this Court is not inclined to grant the relief as such sought for in this writ petition.

4. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

The Director of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.

+1 CC to M/s.K.SHANMUGAKANI, Advocate (SR-12264[F] dated 15/03/2022)



+1 CC to M/s.SPL GP (SR-12436[F] dated 16/03/2022)

+2 CC to M/s.J.LAWRANCE, Advocate (SR-12414,12589[F] dated 16/03/2022)

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