



W.P.No.3953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3953 of 2023

and

W.M.P.No.4024 of 2023

A.Sangeetha

... Petitioner

vs.

The Municipal Commissioner,
Arani, Tiruvannamalai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to regularize the services of the petitioner from the date of her initial appointment and absorb her in a post in the regular establishment of the Municipal Office, Arani, in regular time scale of pay, with effect from 2014 in the light of her representation dated 07.10.2022.

For Petitioner : Mr.M.Ravi
For Respondent : Mr.L.P.Maurya
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent to regularize the services of the petitioner from the



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date of her initial appointment by considering the representation made by the petitioner on 07.10.2022.

2.Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.L.P.Maurya, learned Standing Counsel appearing for the respondent.

3.The grievance of the petitioner is that she was appointed as a Data Entry Operator in the Municipal Office at Arani on contract basis in the year 2014. From then on, she was continuously engaged up to the year 2019. After the year 2019, the petitioner is being paid salary by a Contractor on an outsource basis. According to the petitioner, she has completed nearly 10 years of service in the respondent Corporation and hence, she sought for regularization by making a representation to the respondent on 07.10.2022. Since the same was not considered, the present writ petition has been filed before this Court.

4.In the considered view of this Court, it is an admitted case of the petitioner that her services were engaged on a contractual basis. That apart, from the year 2019 onwards, the petitioner is being paid by the Contractor.



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Unless the petitioner is able to show legal right, this Court cannot issue a writ of mandamus directing the respondent to consider the representation made by the petitioner, wherein, the petitioner is seeking for regularization of her services. If really the petitioner has put in continuous service and she has to be conferred a permanent status, the petitioner has to go before the appropriate authority and seek for such a relief and a writ petition cannot be maintained before this Court. Except this clarity, no further orders can be passed in this writ petition.

5.This writ petition is disposed of accordingly. No Costs.
Consequently, the connected miscellaneous petition is closed.

13.02.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
sp

To

The Municipal Commissioner,
Arani, Tiruvannamalai District.



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N. ANAND VENKATESH, J.

sp

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