



WEB COPY



W.P.No.11300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11300 of 2023

&

WMP.Nos.11183, 11184 & 11186 of 2023

N.Jayaraman

...Petitioner

Vs

The Commissioner,
Thirupathur Municipality,
Government Garden Street,
Thirupathur, Thirupathur Municipality,
Vellore District-635 601.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records connected with the proceedings issued in Na.Ka.No.2185/2005/H1 dated 14.03.2023 passed by the respondent and to quash the same and consequently direct the respondent to regularise the petitioner's service in the post of Driver from the date of petitioner's first appointment dated 01.06.2002.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.N.Naveen Kumar
Mr.M.Sarath Kumar



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. When the petitioner herein had sought for regularisation of his services in the post of Driver, this Court by its order dated 25.06.2021 passed in W.P.No.13322 of 2021, directed the respondent to consider the petitioner's representation dated 26.08.2013 and to pass appropriate orders on merits and in accordance with law, within a period of 12 weeks. In the present impugned order dated 14.03.2023, the respondent had rejected the petitioner's representation.

3. A perusal of the impugned order would reveal that the respondent herein had approached the Government pleader seeking for his opinion in the orders passed by this Court, who in turn had given his opinion to the respondent to abide by the regulations governing the Municipality and to pass appropriate orders. Consequently, in a single line, the respondent had rejected the petitioner's request for regularisation of his service in the said



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post in accordance with the regulations. Apart from that, no specific reasons has been assigned as to why the petitioner is not entitled to be regularised in the service. This Court is not in appreciation with the order passed by the Commissioner of Municipality, as it is a non speaking order. Resultantly, the order itself is one of non application of mind.

4. In the result, the impugned order dated 14.03.2023 passed by the respondent herein, is set aside. The respondent is granted liberty to pass fresh orders on the petitioner's representation dated 26.08.2013 and pass a speaking order, as to the entitlement / disentitlement of the petitioner's request for regularisation of his service in the post of Driver. Such orders shall be passed, atleast within a period of four weeks from the date of receipt of a copy of this order. The Writ petition stands partly allowed with the above direction. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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Index:Yes/No

Order: Speaking/Non-speaking



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Neutral Citation :Yes/No
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M.S.RAMESH,J.

DP

To

The Commissioner,
Thirupathur Municipality,
Government Garden Street,
Thirupathur, Thirupathur Municipality,
Vellore District-635 601.

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