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W.P.No.16405 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16405 of 2020

L.Muthukumar

... Petitioner

/Vs/

1.The Commissioner of Municipal Administration
Fort St. George, Chennai 600 009

2.The Regional Director of Municipal Administration
Tiruppur

3.The Commissioner
Gudalur Municipality Grade II
Gudalur
The Nilgiris District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third Respondent to regularise the Petitioner service from 28.04.2008 and to take dismissal period from 15.03.2013 to 02.11.2015 as service period and pay the salary and all service benefit pursuant to the Petitioner's representation dated 07.01.2020.

For Petitioner : Mr.K.Krishnan

For Respondents : Mr.T.Chezhiyan (for R1 & R2)
Additional Government Pleader



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Mr.P.Srinivasan (for R3)

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third Respondent to regularise the Petitioner service from 28.04.2008 and to take dismissal period from 15.03.2013 to 02.11.2015 as duty and pay the salary and all service benefit pursuant to the Petitioner's representation dated 07.01.2020.

2.Heard Mr.K.Krishnan, learned counsel for the Petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the Respondents 1 & 2 and Mr.P.Srinivasan learned counsel for the third Respondent.

3.The learned counsel for the Petitioner submitted that the Petitioner was appointed as Water Supply Electrician Grade I in Gudalur Municipality from 2008. On 18.05.2011, he received a show cause notice from the third Respondent and the Petitioner received dismissal order on 11.07.2012. On 02.11.2015, reinstatement was ordered by this Court in W.P.No.10004 of 2013. Subsequently, the Petitioner was appointed as drinking water tap maintainer in Gudalore Municipality on 02.11.2015, but without following his earlier service



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record. Hence the Petitioner sent a representation to the third Respondent to regularise his service from 28.04.2008 and to treat the period of dismissal as duty.

4.The learned Additional Government Pleader submitted that the period for which the Petitioner has not worked in the Municipality cannot be treated as service period and salary cannot be paid to him for the said period.

5.In view of the facts and circumstances, the period for which the Petitioner has not worked in the Municipality, no wages can be paid. However, the third Respondent shall consider the Petitioner's representation dated 07.01.2020 and pass appropriate orders on merits in accordance with law.

6.With the above direction, this Writ Petition is disposed of. No costs.

19.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To

1.The Commissioner of Municipal Administration
Fort St. George
Chennai 600 009

2.The Regional Director of Municipal Administration
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3.The Commissioner
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