



W.P.(MD)No.3240 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.3240 of 2016

Suyambulingam

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Block Development Officer,
Rajakkamangalam,
Kanyakumari District.

3. The President,
Aathikkattu Vilai Panchayat,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the 3rd respondent to provide revised daily wage of Rs.400/-to the petitioner as per he proceedings passed by the 1st respondent, vide No.A1/10343/2015, dated 21.04.2015.



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For Petitioner : No appearance
For R-1 & R-2 : Mr.P.Lingadurai,
Government Advocate
For R-3 : Mr.S.Kumar

ORDER

This writ petition is filed for *Writ of Mandamus* seeking direction to the 3rd respondent to provide revised daily wage of Rs.400/- to the petitioner as per proceedings passed by the 1st respondent, vide No.A1/10343/2015, dated 21.04.2015.

2. The contention of the petitioner is that he was appointed as Water Supply Attender, as per resolution passed by the 2nd respondent herein on 12.07.2004 on daily wage basis. The petitioner was directed to distribute water in Aathikkattu Vilai Panchayat, Kanyakumari District. He was appointed by the then Panchayat President, namely Mrs. Jo Aalish Mariya Selvam, vide resolution, dated 12.07.2014. In the said vacancy, the petitioner was getting a sum of Rs. 275/- as daily wage basis. One Sivam, who was also working as Water Supply Attendar in Parakkai Panchayat has filed petition for the revision of wages before



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the Tamil Nadu Administrative Tribunal in O.A.978 of 2001 and has obtained an interim order, wherein the respondents were directed to fix wages as per market rate fixed by the respondents.

3. The Block Development Officer has filed counter, wherein it is stated by referring to a Government letter, dated 4451/E5/07-1 dated 11.10.2007, that the work done by the Water Supply Attenders are only a part time worker and not a fulltime worker and they are working under the control of the village panchayat and getting salary from the panchayat itself. Moreover, there is no service rules for the water supply attenders. But the respondents have not clearly spelt out, whether the petitioner was appointed as part time or fulltime employee.

4. In view of the foregoing reasons, the respondents are directed to consider the case of the petitioner, after hearing the 3rd respondent Panchayat President and after perusing of the petitioner's appointment order, thereafter consider the case of the petitioner, in the light of the order passed by the 1st respondent for fixing the salary. The said exercise shall be completed, within a period of eight weeks, from the date of receipt of a copy of the order. If the



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petitioner is eligible as per District Collector's order, the same shall be paid. The above direction of this Court shall be completed within a period of eight weeks from the date of receipt of a copy of the order. If the petitioner is not qualified, the respondents shall state the reasons for the same.

5. Accordingly, this Writ Petition is disposed of. No Costs.

Index : Yes / No
Internet : Yes
ksa

05.06.2023



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To

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2. The Block Development Officer,
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Kanyakumari District.
3. The President,
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Kanyakumari District.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 3240 of 2016**

05.06.2023