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W.P.No.6226 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.6226 of 2021

S.Ganesan

...Petitioner

Vs.

1. Government of Tamil Nadu,
represented by Principal Secretary to Govt.
Municipal Administration & Water Supply Dept.,
Secretariat, Chennai- 600 009.
 2. The Director of Town Panchayats,
7th floor, Santhome Road,
MRC Nagar, Chennai-600 028
 3. The Assistant Director of Town Panchayats,
Collectorate, Coimbatore-641 018.
 4. The Executive Officer,
Selection Grade Town Panchayat,
Kalavai, Vellore District.
 5. The District Collector,
Coimbatore District,
- (R-5 Suo Motu Impleaded as per order dated 10.06.2024 in



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W.P.No.6226/2021 by MSKJ)

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...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents herein (i) to regularize the services of the petitioner from 10.12.1987 onwards in the post of Junior Assistant (2) to declare satisfactory completion of the period of probation (3) to sanction second and subsequent annual increments on that basis (4) to grant selection/Special Grade in the post of Junior Assistant and fix pay(5) to fix the pay of the petitioner on the basis of successive pay commission/ One Man committee recommendations (6) to sanction pensionary benefits and (7) disburse all consequential monetary benefits with interest at 10% per annum, all within a limited time frame

For Petitioner : Mr.R.Subbash
for Mr.M.Ravi

For Respondents : Mr.M.Murali
Government Advocate for R1 to R3
Mr.P.Sanjay Gandhi
For R4

ORDER

This matter earlier came up for consideration before this Court on 10.06.2024 and after perusing the record and after hearing the learned



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Government Advocate, this Court passed the following order:

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"No representation for the petitioner. This Court perused the records. After hearing the learned Government Advocate for quite some time, it is felt that the District Collector, Coimbatore District is proper and necessary party to this writ petition. Hence, District Collector, Coimbatore District is suo motu impleaded as the 5th respondent.

2. Office is directed to carryout the necessary amendments.

3. This is the case where the petitioner was appointed as a Junior Assistant on compassionate ground consequent upon the death of his father as early as on 01.12.1987 vide proceedings in Na.Ka.No.9231/87 and accordingly the petitioner had joined duty on 10.12.1987 and also attained the age of superannuation. However, appointment of the petitioner as Junior Assistant is not regularized as on date. Hence, the petitioner approached this Court by filing the writ petition in the year 2021. The 2nd respondent filed a counter affidavit dated 14.12.2021, explaining the reason for not regularizing the appointment of the petitioner for such long period and also stated that the 3rd respondent would require not less than six months to obtain appropriate orders from the competent authority as



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regards the issue of regularizing the appointment of the petitioner as Junior Assistant. Even since filing of the counter affidavit more than two years have lapsed as on date, but, no order appears to have been passed regularizing the said appointment of the petitioner. As a consequence, the petitioner is not being given any pensionary or retirement benefits. In the circumstances, the respondents 2 to 5 are directed to look into the matter carefully and pass appropriate orders on regularizing the appointment of the petitioner and extend all the benefits including pensionary or retirement benefits due and payable to the petitioner within a period of six weeks from the date of receipt of a copy of this order and report to this Court by next date of hearing.

4. Post the matter on 15.07.2024 under the caption "for orders". Registry is directed to communicate this order to the respondents 2 to 5 forthwith."

2. Thereafter, the matter came up for consideration again on 19.07.2024. On that day, it was brought to the notice of this Court by the learned Government Advocate that pursuant to the above order dated 10.06.2024 passed by this Court, the 3rd respondent/District Collector issued proceeding in Na.Ka.No.149/2018 dated 09.07.2024 and also addressed letter R.C.No.149/2018, dated 11.07.2024 to the Assistant Director of Town



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Panchayat, Vellore Zone, Vellore regularizing the service of the petitioner and to release the terminal benefits of the petitioner. However, considering the request of the learned counsel for the petitioner to get instructions and verify the same, the matter was directed to listed today. Today when the matter is taken up for consideration the learned Counsel for the petitioner again sought some more time. However, this Court is not inclined to grant any further time.

3. As it is brought to the notice of this Court, by the learned Government Advocate, that the proceedings dated 09.07.2024 and 11.07.2024 were served upon the petitioner herein and the same was also acknowledged by him, there is no necessity for passing any further order in the writ petition. Accordingly, the writ petition is closed. In case if the petitioner is aggrieved by the proceedings dated 09.07.2024 or proceedings dated 11.07.2024, the petitioner is at liberty to take appropriate steps to challenge the same in accordance with law.

4. Accordingly, the writ petition stands closed.

22.07.2024

vsn

Internet: Yes/No

Index: Yes/No



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Speaking/Non-speaking order

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To

- 1.Principal Secretary to Govt.
Municipal Adminstration & Water Supply Dept.,
Secretariat, Chennai- 600 009.
- 2.The Director of Town Panchayats,
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- 3.The Assistant Director of Town Panchayats,
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MUMMINENI SUDHEER KUMAR, J.

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