



WP.(MD).No.5255 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.5255 of 2024

and

W.M.P.(MD)Nos.5040, 5041, 5042 of 2024

M.Prakash

... Petitioner

Vs.

1.The Principal Secretary,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai -600 009.

2.The Commissioner of Town Panchayat,
7th & 8th floor,
Urban Administration Office Campus,
Chennai – 600 028.

3.The Executive Officer,
Sathankulam Town Panchayat Office,
Thoothukudi District.

4.The Executive Officer,
Nazareth Town Panchayat Office,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records in Na.Ka.No.12072/2021/A5 dated 28.01.2022, on the file



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of the 2nd respondent and quash the same as illegal incompetent and further direct the respondents to extend the benefits of GO (Ms).No.54 Municipal Administration and Water Supply (TP.1) Department dated 23.05.2017, by absorbing the petitioner as Work Inspector from the date of the above Government Order and release all monetary and service benefits of the petitioner from date of the Government Order in the post of Work Inspector.

For Petitioner : Mr.Singaravelan, Senior Counsel
For Mr.D.Selvanayagam
For Respondents 1 & 2 : Mr.C.Baskaran,
Government Advocate
For Respondents 3 & 4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, seeking to quash the impugned proceedings in Na.Ka.No.12072/2021/A5 dated 28.01.2022, on the file of the 2nd respondent and to direct the respondents to extend the benefits of GO (Ms).No.54 Municipal Administration and Water Supply (TP.1) Department dated 23.05.2017, by absorbing the petitioner as Work Inspector from the date of the above Government Order and release all monetary and service benefits of



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the petitioner from date of the Government Order in the post of
Work Inspector.

3.The brief facts which are necessary for the disposal of this
Writ Petition is as follows:-

The petitioner has rendered his service as a Technical Assistant (work charged person) from 01.08.2006 in various Town Panchayats. Currently he is working in Santhankulam, Nazareth, Udankudi and Thenthiruperai Town Panchayat office at Thoothukudi District. Atleast 54 persons who are similarly placed as a Technical Assistant, are kept in same position for several years. Hence, 15 of them had approached this Court by filing W.P.No.5203 of 2016 seeking to promote them as Overseer or Work Inspector as it was extended to others by G.O.(Ms)No.183, Municipal Administration and Water Supply (TP.1) Department dated 19.09.2008. This Court by its order dated 03.03.2016, directed the respondents to promote the writ petitioner therein along with 79 other persons working as Technical Assistant. However, the petitioner was not considered for absorption. Hence, he made several representations and considering his representation, the Assistant Director of Town Panchayat



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recommended his absorption vide proceedings dated 08.10.2021.

Thereafter, it was informed that the order of rejection was passed on 28.01.2022, rejecting the petitioner's claim for absorption as Work Inspector on the guise that he has not completely qualified at the time of implementation of G.O.Ms.No.54 dated 23.05.2017. Without considering the fact that as early as on 06.05.2015, the petitioner's name was recommended, the order of rejection was passed. Challenging the said rejection order, this Writ Petition has been filed.

4.At the time of admission, the learned Senior Counsel Mr.Singaravelan appearing for the petitioner submitted that the Municipal Administration and Water Supply Department has issued a notification No.1 of 2024 dated 27.02.2024, for recruiting various posts including that of Work Inspector in Serial No.15, as many as 427 posts are available. In view of the same, the petitioner has made a fresh representation on 28.02.2024. However, the same was not considered. The learned Senior Counsel without pressing upon quashing the impugned order dated 28.01.2022, sought the indulgence of this Court to consider the petitioner's representation dated 28.02.2024.



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5. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the 1st respondent, the learned Standing counsel appearing for the respondents 2 and 3, the learned Standing counsel appearing for the 4th respondent and carefully perused the entire materials available on record.

6. Recording the aforesaid submission, without going into merits of the case, this Court hereby direct the second respondent to consider the petitioner's representation dated 28.02.2024 and to pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

7. In view of the above, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mrn

Note:- Issue order copy on **07.03.2024**.

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To

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L.VICTORIA GOWRI, J.

Mrn

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