



W.P.(MD)No.10443 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10443 of 2016

Sivalingam

: Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet,
Chennai – 600 005.

3.The District Collector / Inspector of Panchayats,
Pudukkottai District,
Pudukkottai.

4.The Block Development Officer,
Annavaasal Panchayat Union,
Pudukkottai District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to regularize the service of the petitioner as watchman from the date of his initial appointment by absorbing him in the time scale of pay in any one of the existing vacancies under their control and to grant all consequential service and monetary benefits.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General – III,
Assisted by Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to regularize the service of the petitioner as Watchman from the date of his initial appointment by absorbing him in the time scale of pay in any one of the existing vacancies under their control and to grant all consequential service and monetary benefits.

2.A counter affidavit has been filed by the respondents denying the contentions of the petitioner. However, it is seen that the



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representation of the petitioner given prior to the filing of this writ petition has not been considered by the respondents by passing the final order.

3.No prejudice will be caused to the respondents if the petitioner is allowed to give a fresh representation to the respondents seeking for the very same relief as sought for in this writ petition.

4.Learned Counsel for the petitioner would submit that eventhough a positive direction is sought for in this writ petition, it would suffice if the petitioner is allowed to give a fresh representation to the second respondent seeking for regularisation of his services as Watchman from the date of his initial appointment as prayed for in this Writ Petition.

5.For the foregoing reasons, this Court directs the petitioner to submit a representation to the second respondent seeking to regularise his services as Watchman from the date of his initial appointment with the fourth respondent by absorbing him in the time scale of pay in any one of the existing vacancies under their control and grant all consequential service and monetary benefits within a period of two [2] weeks from the date of receipt of a copy of



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this order. On receipt of the same, the second respondent shall pass appropriate orders within a period of twelve [12] weeks thereafter, on merits and in accordance with law. However, it is made clear that this Court has not expressed any opinion on the merits of the petitioner's claim.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

- 1.The Secretary,
Rural Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of Rural Development,
Panagal Building,
Saidapet,
Chennai – 600 005.
- 3.The District Collector / Inspector of Panchayats,
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ABDUL QUDDHOSE, J.

MR

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