



W.A.(MD)No.217 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.02.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.217 of 2017

S.Bright Benjamin

: Appellant/Petitioner

Vs.

1.Director of Town Panchayat,
Chepauk, Chennai – 108.

2.The Assistant Director of Town Panchayat,
Nagercoil, Kanyakumari District.

3.The Executive Officer,
Kallukootam Town Panchayat,
Kanyakumari District.

4.A.Rajan

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 21.10.2013 passed in W.P.(MD) No.10755 of 2007.

For Appellant

: Mr.C.K.M.Appaji

For Respondents

: Mr.A.K.Manikkam

Spl. Govt. Pleader for R1 to R3

No appearance for R4



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

The writ appeal has been filed to set aside the order dated 21.10.2013 passed in W.P.(MD) No.10755 of 2007.

2. The appellant, as the petitioner, has filed the Writ Petition seeking for issuance of Writ of Mandamus to forbear the respondents from disturbing his duty as Motor Operator in the third respondent Panchayat. The Writ Court dismissed the writ petition. Challenging the same, the present writ appeal has been filed.

3. According to the petitioner, he was appointed as temporary Motor Operator in Neyyoor Mekankarai Mater Tank by the third respondent during the month of April 1997. According to him, he was paid a consolidated salary of Rs.600/- per month. While so, the third respondent has proposed to appoint one Mr.Rajan, the fourth respondent herein, in the place of the petitioner. Hence, the petitioner has filed the writ petition seeking a direction to the respondents not to disturb him from discharging his duties as Motor Operator in the said Panchayat.



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4. According to the third respondent, the petitioner was not appointed as Motor Operator and he is only a Contractor, who took the work by giving lowest quotation agreeing to maintain the work at the rate of Rs.600/- p.m. According the respondent, earlier the petitioner filed a writ petition in W.P. (MD) No.8619 of 2007 seeking direction to the official respondents to fix time scale of pay Motor Operator as per G.O.Ms.No.60, Local Administration Department dated 23.08.2006. The Writ Court by order dated 12.10.2007, directed the third respondent therein to pass appropriate orders on merits. Based on which, the third respondent has passed an order on 10.12.2007 rejecting his claim. According to the respondent, the contract period expired long before.

5. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the perused the materials available on records. No representation for the fourth respondent.

6. It is seen that after hearing both sides, the Writ Court found that the petitioner has not produced any document to show that he was appointed as a Motor Operator and in page No.15 of the typed set of papers, the petitioner himself has produced the quotation given by him for executing the work.



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Hence, the Writ Court, while dismissing the writ petition, had observed that the petitioner is only a Contractor and the Contract period is now over and his claim for regularisation in service had already been negated and hence, the relief sought for by the petitioner cannot be granted.

7. We are of the view that the Writ Court has rightly dismissed the writ petition. In our opinion, no interference is warranted.

8. In the result, this Writ Appeal is dismissed. No costs.

[V.B.S.,J.] [K.K.R.K.,J.]

skn

27.02.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes

To

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