



W.P.(MD).No.23667 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23667 of 2023

V.S.Hariprasad

... Petitioner

Vs.

The Commissioner,
Manamadurai Municipality,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue orders declaring the satisfactory completion of probation on completion of 2 years of service and consequently release annual increments to the petitioner from the date of appointment in the light of the representation dated 01.09.2023 within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Srinivasan

For Respondent : Mr.A.Kathiravan

ORDER

The instant Writ Petition has been filed by a Night Watchman employed in the respondent Municipality seeking a Mandamus to declare his probation on completion of two years of service and to release annual increments.



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2. A perusal of the records reveal that the petitioner was appointed as a Night Watchman in the respondent Municipality on 07.09.2020. According to the petitioner, he has satisfactorily completed probation on 08.09.2022. However, his probation has not been declared. The petitioner has given a representation to the respondent on 01.09.2023 seeking to declare the probation.

3. The respondent Municipality has filed a counter, contending that a third party has filed a writ petition in W.P(MD) No.2333 of 2022 challenging the appointment of the writ petitioner. Since the same is pending, they are yet to declare the probation of the writ petitioner.

4. The pendency of the above said writ petition by a third party cannot be a legal impediment for the respondent Municipality to declare the probation of the writ petitioner, if he is otherwise eligible.

5. In view of the above said facts, the respondent Municipality is directed to declare the probation of the writ petitioner, if he is otherwise



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eligible, and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the declaration of probation shall be subject to the result of the writ petition in W.P(MD) No.2333 of 2022.

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

23.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
The Commissioner,
Manamadurai Municipality,
Sivagangai District.



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R.VIJAYAKUMAR,J.

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