

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.A. Nos.1307, 1359, 1481 and 1706 of 2014 and 734, 1036, 1097, 1098, 1099, 1100,
1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1150
and 1151 of 2015
and
connected Miscellaneous Petitions

The Commissioner
Vellore Corporation
Vellore

Appellant in W.A. No.1307/2014

Vs.

- 1 P. Gopalakrishnan
- 2 M. Kondaiya
- 3 P. Ramaiya
- 4 G. Anbalagan
- 5 K. Prabhu Doss
- 6 The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai 600 009
- 7 The Commissioner of Municipal Administration
Chepauk, Chennai

8 The Commissioner
Gudiyatham Municipality
Vellore District

Respondents in W.A. No.1307/2015

Prayer in W.A. No.1307 of 2015:

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 25.06.2015 passed in W.P. No.7514 of 2013.

For appellants in
WA Nos.1307, 1359 and
1481 of 2014

Mrs. P. Shanthi

For appellants in
WA Nos.1706 of 2014,
734, 1036, 1097 to 1113,
1150 and 1151 of 2015

Mr. V. Jayaprakash Narayanan
Spl. Govt. Pleader

For
RR 1-5 in WA No.1307/2014
and
R1 in WA No.1359 of 2014
RR 1,2 & 4 in WA No.1098/2015
R1 in WA No.1102/2015
RR 1,3 & 4 in WA No.1105/2015
RR 2 & 5 in WA No.1106/2015
RR 2 & 3 in WA Nos.1108 and
1481/2014

Mr. P.I. Thirumoorthy

For respondents in
WA Nos.734, 1097, 1099-
1101, 1103, 1104, 1109-
1112, 1150 and 1151/2015

Mr. P.I. Thirumoorthy

For respondent in
WA Nos.1107 and 1113/2015

Mr. V. Elangovan

For RR 6-8 in WA No.1307/2014
For RR 2 & 3 in WA No.1359/2014

Mr.P.S. Sivashanmugasundaram
Spl. Govt. Pleader

For respondent in WA No.1036/2015

Mr. G. Vinodhkumar

COMMON JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

Regard being had to the commonality of the question of law involved in this batch of intra-Court appeals, all these intra-Court appeals are being considered and decided by this common judgment.

2 The question of law involved in this batch of cases is as to whether the private respondents/employees employed in the post of Sweeper, Electrician, Fitter, etc. are entitled to regularisation of their service on completion of three years from the date of initial appointment/entry in service.

3 This question of law is no longer *res integra*. The said issue had come up for consideration in a batch of intra-Court appeals in *the Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department, Chennai – 9 and 2 others vs. M. Rani (W.A. Nos.1289 of 2014, etc. batch)*. This Court, having considered all aspects of the matter, vide common judgment dated 30th June 2015, held as under:

"27 As we have observed in the preceding paragraphs, the respondents were informed at the time of their appointment that their appointment was on consolidated pay, subject to pay enhancement by 10% every year initially for a period of one year at a time, subject to renewal on assessment/review after a period of three years. It was also indicated to the respondents that their cases may be considered for regularisation on assessment of their performance. Thus, it is not a case

of appointment on consolidated pay or daily wages simplicitor. Albeit appointment was of temporary nature, however, that was subject to regular assessment and probable regularisation on completion of three years. Thus, the respondents are not entitled to regularisation on completion of three years automatically, without consideration of their performance. On assessment/review, if it is found that their performance is satisfactory, they are entitled to be granted time scale on regular basis.

28. x x x x x x x x x x

29 Resultantly, for the reasoning and analysis made hereinabove, the appeals are partly allowed to the extent that the respondents are entitled to consideration for grant of time scale on regular basis on the basis of performance assessment to be done on completion of three years and in the event, the performance of the respondents, is found satisfactory, they are entitled to regularisation on completion of three years, with all consequential monetary benefits. Costs made easy. Connected Miscellaneous Petitions are closed.”

4 Accordingly, these instant intra-Court appeals also are partly allowed, in terms of the aforesaid judgment dated 30th June 2015 passed in W.A.No.1289 of 2014 etc. batch. Costs made easy. Connected Miscellaneous Petitions are closed.

(S.K.A.J.) (K.K.S.J.)

05.08.2015

cad
Index:Yes/No

To

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Common judgment in

W.A. Nos.1307, 1359, 1481 and 1706 of 2014 &
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