

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 24.06.2015

DELIVERED ON: 30.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.A. Nos.1289, 1410, 1411, 1537, 1557, 1558, 1608, 1609 and 1736 of 2014 and 270, 279, 293, 300, 335, 365, 477, 492, 514, 518, 598, 623, 629, 652 to 654, 664, 677, 693, 696, 721, 768, 778 and 779 of 2015 and

connected Miscellaneous Petitions

THE SECRETARY TO GOVERNMENT OF TAMILNADU
MUNICIPAL ADMINISTRATION AND
WATER SUPPLY DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 600 009.

...1ST APPELLANT (1ST RESPONDENT)

IN W.A.NOS. 1289, 1410, 1411, 1537, 1557, 1558, 1608, 1609, 1736/2014, 270, 279, 293, 300, 335, 365, 477, 492, 514, 518, 598, 623, 629, 652, 653, 664, 677, 693, 696, 721, 768, 778, 779/2015

THE DIRECTOR OF TOWN PANCHAYAT,
KURALAGAM,
CHENNAI - 600 108.

...2ND APPELLANT (2ND RESPONDENT)

IN W.A.NOS.1289/14, 1410, 1411, 1537, 1557, 1558, 1608, 1609, 1736/2014 270/15, 279, 293, 300, 335, 365, 477, 492, 514, 518, 598, 623, 629, 652, 653, 664, 677, 693, 696, 721, 768, 778, 779/2015
1ST RESPONDENT IN W.A.NO.654/2015

THE ASSISTANT DIRECTOR OF TOWN PANCHAYATS,
REGIONAL OFFICE,
SALEM.

...3RD APPELLANT (3RD RESPONDENT)

IN W.A.NO.1557/2014

THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT,
CUDDALORE DIVISION,
CUDDALORE DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)

IN W.A.NO.1557/2014

THE EXECUTIVE OFFICER,
THIRUNEERMALAI TOWN PANCHAYAT,
KANCHEEPURAM DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)

IN W.A.NO.1289, 1609/2014

THE EXECUTIVE OFFICER,
KADAYAL 1ST GRADE TOWN PANCHAYAT
KADAYAL POST,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.1410/2014

THE EXECUTIVE OFFICER,
PALAPPALLAM TOWN PANCHAYAT,
PALAPPALLAM,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.1411, 1608/2014

THE EXECUTIVE OFFICER,
ATTAYAMPATTI TOWN PANCHAYAT,
SALEM DISTRICT.

...4TH APPELLANT (4TH RESPONDENT)
IN W.A.NOS.1557/2014 AND
...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NOS.1558/2014, 518/2015

THE EXECUTIVE OFFICER,
VILAPAKKAM FIRST GRADE TOWN PANCHAYAT,
VILAPAKKAM,
VELLORE DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.1736/2014

THE EXECUTIVE OFFICER,
CHINNASALEM PANCHAYAT,
KALLAKURICHI TALUK,
VILLUPURAM DISTRICT.

...4TH APPELLANT (4TH RESPONDENT)
IN W.A.NO.270/2015

THE EXECUTIVE OFFICER,
EDAICODE TOWN PANCHAYAT,
EDAICODE,
KANNIYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.279/2015

THE EXECUTIVE OFFICER,
ELAMPILLAI TOWN PANCHAYAT,
SALEM.

...4TH APPELLANT (4TH RESPONDENT)
IN W.A.NO.293/2015

THE EXECUTIVE OFFICER,
PALACODE SELECTION GRADE TOWN PANCHAYAT,
DHARMAPURI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NOS.300 & 696/2015

THE EXECUTIVE OFFICER,
UPPILYAPURAM TOWN PANCHAYAT,
UPPILYAPURAM,
TRICHY DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.335/2015

THE EXECUTIVE OFFICER,
SHOLINGAR SELECTION GRADE TOWN PANCHAYAT,
SHOLINGAR,
VELLORE DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.365/2015

THE EXECUTIVE OFFICER,
PENNAGARAM SELECTION GRADE TOWN PANCHAYAT,
PENNAGARAM,
DHARMAPURI TALUK.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.477/2015

THE EXECUTIVE OFFICER,
THIRUVALAM TOWN PANCHAYAT,
THIRUVALAM,
VELLORE DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.492/2015

THE EXECUTIVE OFFICER,
MECHERI TOWN PANCHAYAT,
MECHERI,
SALEM DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.514/2015

THE EXECUTIVE OFFICER,
KARUPPOOR TOWN PANCHAYAT,
KARUPPOOR,
SALEM DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.598/2015

THE EXECUTIVE OFFICER,
VEERAKKAL PUDHUR TOWN PANCHAYAT,
KONOR POST,
SALEM DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.623/2015

THE EXECUTIVE OFFICER,
REETHAPURAM TOWN PANCHAYAT,
REETHAPURAM,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.629/2015

THE EXECUTIVE OFFICER,
BARGUR SELECTION GRADE TOWN PANCHAYAT,
BARGUR,
KRISHNAGIRI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.652/2015

THE EXECUTIVE OFFICER,
ANNUR TOWN PANCHAYAT,
COIMBATORE DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.653/2015 AND
...2ND APPELLANT (RESPONDENT)
IN W.A.NO.654/2015

THE EXECUTIVE OFFICER,
KODHANALLOOR TOWN PANCHAYAT,
KODHANALLOOR,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.664/2015

THE EXECUTIVE OFFICER,
PAPPIREDDIPATTI SELECTION GRADE
TOWN PANCHAYAT,
DHARMAPURI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NOS.677, 693/2015

THE EXECUTIVE OFFICER,
THINGAL NAGAR TOWN PANCHAYAT,
THINGAL NAGAR,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.721/2015

THE EXECUTIVE OFFICER,
KUMARAPURAM TOWN PANCHAYAT,
KUMARAPURAM,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.768/2015

THE EXECUTIVE OFFICER,
KELAMANGALAM SELECTION
GRADE TOWN PANCHAYAT,
KRISHNAGIRI DISTRICT.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NO.778/2015

THE EXECUTIVE OFFICER,
KILLIYOOR TOWN PANCHAYAT,
KILLIYOOR,
KANYAKUMARI DISTRICT.

...3RD APPELLANT (RESPONDENT)
IN W.A.NO.779/2015

THE ASSISTANT DIRECTOR OF TOWN PANCHAYAT,
REGIONAL OFFICE,
SALEM.

...3RD APPELLANT (3RD RESPONDENT)
IN W.A.NOS.293 & 518/2015

VS

M.RANI
K.C.VINCENT
P.ALIVER INBARAJ
P.THANGASAMY

...RESPONDENT IN WA.NO.1289/2014
...RESPONDENT IN WA.NO.1410/2014
...1ST AND 2ND RESPONDENTS
(PETITIONERS IN WA.NO.1411/14

K.PERUMAL
U.SRINIVASAN
M.NAGARAJAN
K.VASAGAR

...RESPONDENTS 1 TO 4 (PETITIONERS)
IN WA.NO.1537/14
...RESPONDENT (PETITIONER)
IN WA.NO.1557/14

D.PARAMESWARI

...RESPONDENT (PETITIONER)
IN WA.NO.1558/14

T.KESAVADHASS
P.S.KUMAR

...RESPONDENTS 1 AND 2 (PETITIONER)
IN WA.NO.1608/14

THE EXECUTIVE OFFICER,
MANAVALAKURICHI TOWN PANCHAYAT
MANAVALAKURICHI,
KANAYAKUMARI DISTRICT

...3RD RESPONDENT (3RD RESPONDENT)
IN WA.NO.1608/14

S.ARUMUGAM

...RESPONDENT (PETITIONER)
IN WA.NO.1609/14

D.MARTIN
K.MANI
K.JEYARAMAN
P.RENGANATHAN
E.INDIRA KUMAR

...RESPONDENTS (PETITIONERS)
IN WA.NO.1736/14

P.SARAVANAN
N.PANNEER
C. KALANCHI
P.ARUNA
K.MURUGESAN
R.MURUGAN
R.SENTHIL KUMAR
A.PALANIVEL
M. RAJENDRAN
A.MANICKAM

...RESPONDENTS (PETITIONERS)
IN WA.NO.270/15

P.VELAPPAN

...RESPONDENT (PETITIONER)
IN WA.NO.279/15

G.GOVINDAMMAL

...RESPONDENT (PETITIONER)
IN WA.NO.293/15

M.CHANDRAN

...RESPONDENT (PETITIONER)
IN WA.NO.300/15

P.BALAKRISHNAN
M.BALAKUMAR
P.DURAIRAJ
R.GNANASEKARAN
A.SIVAJI

...1 TO 5 RESPONDENTS (PETITIONERS)
IN WA.NO.335/15

M.SEERALAN
K.MURUGAN

RANI
T.SURIYAMOORTHY
S.RAGHUNATHAN
M.EZHUMALAI
K.GOVINDARAJ
V.SANJIVEE
CHANDRAN

...RESPONDENTS 1 TO 9 (PETITIONERS)
IN WA.NO.365/15

C.MANICKAM
K.ABIMANNAN
M.MURUGAN
K.VELAN
M.CHINNATHAI
R.PARVATHY

..RESPONDENTS 1 TO 6 (PETITIONERS)
IN WA.NO.477/15

R.SEKAR
T.CHANDRAN
P.MUTHURAMAN
R.RAJAMANIKAM

..RESPONDENTS 1 TO 4 (PETITIONERS)
IN WA.NO.492/15

K.DHANABAL
D.KARTHIKEYAN
A.TAMILVEL

..RESPONDENTS 1 TO 3 (PETITIONERS)
IN WA.NO.514/15

P.CHEELADURAI

...RESPONDENT (PETITIONER)
IN WA.NO.518/2015

G.KARMEGAM
R.SADHASIVAM
K.RADHAKRISHNAN
P.CHINNAN
S.MURUGESAN
S.KANAGA
TMT.PAPPATHI

...RESPONDENTS 1 TO 7 (PETITIONERS)
IN WA.NO.598/15

M.KAVURAJ

...RESPONDENT (PETITIONER)
IN WA.NO.623/15

K.LAKSHMI

...RESPONDENT (PETITIONER)
IN WA.NO.629/15

PARVATHY
SELVAM
SATHYA

...RESPONDENTS 1 TO 3 IN
(PETITIONERS) WA.NO.652/2013

R.SARAVANAN
K.CHINNASAMY

K.GOPALAKRISHNAN
C.RAMAN
K.RAMASAMY
P.SUBRAMANIAM
A.MARRIAMMAL
R.MARIYAI
S.LAKSHMI
E.MURUGAMMAL
A.PALANISAMY
P.SOMASUNDARAM
R.SUBRAMANIAM
R.PERIYAPERUMAL
K.PALANICHAMY
P.R.SARAVANAN
M.RANGASAMY
A.PALANICHAMY
P.PARVATHY
V.SANKARAN

...RESPONDENTS 1 TO 20 (PETITIONERS)
IN WA.NO.653/2015

P.RUKMANI

...RESPONDENT/PETITIONER
IN WA.NO.654/2015

V.VINCENT
N.RATHINASAMY

...RESPONDENTS 1 & 2/PETITIONERS
IN WA.NO.664/2015

P.RAJENDRAN
R.DASINGH

...RESPONDENTS 1 AND 2/
PETITIONERS IN WA.NO.677/15

M.MATHAIYAN

...RESPONDENT /PETITIONER IN
WA.NO.693/15

1.KUMARI
2.MINOR SAKTHIVEL
3.MINOR KARUTHAMMAL
4.MINOR GANAPATHI
(R2 TO R4 REPRESENTED BY
THEIR MOTHER KUMARI

...RESPONDENTS 1 TO 4/
PETITIONERS IN WA.NO.696/15

LAKSHMI
P.CHANDIRAKALA
P.SUMATHI
P.PREMA
P.SATHISH

...RESPONDENTS 1 TO 5/
PETITIONERS IN WA.NO.721/15

(CT accepted vide order of
Court dated 20.02.2015 made in
MP.NO.1/15)

1.Y.ROBINSON
2.G.JOHN VICTOR

3.N.ROBINSON
4.M.KRISHNAN

...Respondents 1 to 4/Petitioners
in WA.NO.768/2015

1.A.VENKATESAN
2.G.MARIYAPPAN
3.GOVINDASAMY
4.GOVINDAN
5.P.VENKATASAMY
6.G.S.SARAVANAN

...Respondents 1 to 4/Petitioners
in WA.NO.778/2015

G.RAVIKUMAR

...Respondent/Petitioner
WA.No.779/15

PRAYER

W.A.Nos.1289, 1410, 1411, 1537, 1557, 1558, 1608, 1609 and 1736 of 2014 and 270, 279, 293, 300, 335, 365, 477, 492, 514, 518, 598, 623, 629, 652 to 654, 664, 677, 693, 696, 721, 768, 778 and 779 of 2015.

Writ Appeals preferred u/c 15 of the Letters Patent challenging the order dated 24.07.2013, 02.08.2013, 25.06.2013, 02.08.2013, 24.07.2013, 25.06.2013, 02.08.2013, 25.06.2013, 27.02.2014, 25.06.2013, 29.08.2013, 24.07.2013, 29.08.2013, 25.06.2013, 24.07.2013, 20.02.2014, 25.06.2013, 25.06.2013, 24.07.2013, 25.06.2013, 25.06.2013, 06.01.2014, 24.07.2013, 25.06.2013, 24.07.2013, 02.08.2013, 24.07.2013, 24.07.2013, 23.01.2014, 03.10.2013, 20.02.2014, 25.06.2013 and 25.06.2013 respectively in WP.Nos. 18840/13, 27418/13, 29276/2012, 11585/13, 17682/13, 6909/13, 28706/12, 10061/13, 6227/14, 1211/13, 28076/12, 17688/13, 21434/13, 6647/13, 16956/13, 30233/13, 34929/2012, 5919/13, 17684/13, 31619/12, 10660/13, 18/14, 18344/13, 9639/13, 18444/13, 9401/13, 17126/13, 17109/13, 1512/14, 26238/13, 31791/13, 15070/13, 9355/13 respectively.

These Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus,

Directing the 1st respondent to extend the benefit of the G.O.Ms.No.570 Municipal Administration and Water Supply Department dt 15.11.2010 to bringing the petitioner's husband V.Munusamy into regular time scale of pay from the date of completion of the 3 years of service in the consolidated pay i.e. (30.8.2003) in the light of G.O. M.S. No.199 Municipal Administration and Water Supply Department dt 12.8.1997 and the G.O.M.S. No.84 Municipal Administration and Water Supply Department dt 21.5.1998 and the orders of this Honourable High Court passed in W.P.No.25620/06 dated 17.9.2008 and the judgment of Division Bench dated 23.6.2010 passed in W.A.No.47/2010 with all consequential sanction and pay the pension and family pension and pensionary benefits in the light of the Orders issued in G.O.M.S.No.(2D) No.29, School Education(R1) Department, dated 29.06.2011 and G.O.(D)No.114 Health and Family Welfare (AB1) Department dated 9.2.2012 and G.O.(D) No.119 Municipal Administration and Water Supply(TP1) Department, dated 8.3.2013. (W.P.No.18840 of 2013)

Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 2nd Respondent dated 27.7.2006, 27.7.2006,

27.7.2006, 26.7.2006 respectively issued in Na.Ka.No.3051/2006/A3 and the proceedings of the 3rd Respondent dated 10.8.2006, 3.8.2006, 7.8.2006, 31.7.2006 respectively issued in Na.Ka.No.309/2006, No.264/2006/A1, 100/06, 200/06 respectively and to quash the same restricting the date of bringing the Petitioner into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the Respondents to bring the Petitioner into the regular time scale from the date on which he completed three years consolidated pay services in the light of the Judgment of Division Bench dated 23.06.2010 passed in WA.No.385/2010 & 47/2010 with all consequential service and Monetary benefits.(WP.No.27418/13 and WP.Nos.29276/12, 28706/12, 6227/14)

Writ of Mandamus directing the respondents to pass appropriate orders bringing the petitioners into regular time scale from the date on which they completed 3 years consolidated pay services in the light of GO Ms. NO.198 Municipal Administration and Water Supplies Department dated 26.10.1998 with all service and monetary benefits. (WP.No.11585 of 2013)

Writ of Mandamus directing the 4th respondent herein to grant the petitioner herein time scale of pay with effect from 24.9.2001 and pay the arrears of wages and all other attendant benefits. (WP.No.17682 of 2013)

Writ of Mandamus directing the 1st and 2nd respondents to regularize the services of the petitioners by bringing her on time scale of pay with effect from 23.4.2001 as provided under G.O.Ms.No.199 (MAWS Department) dated 12.8.1997 and in the light of the judgments passed by this Honourable Court in W.P.No.25620/ 2006 dated 17.9.2008 and W.A.No.47/2010 dated 23.6.2010 with all consequential and attendant benefits.(WP.No.6909 of 2013)

Writ of Certiorarified Mandamus, to call for the records relating to the 3rd Respondent in his Pro.Na.Ka.No. 160/2006 A1 dated 31.7.2006 and quash the same in so far as the petitioner is concerned and in respect of persons issuing under the category mentioned in Para 3(iv) of G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.5.1988 by bringing him into regular time scale of pay from the date of completion of three years of service in the consolidated pay service (i.e. 30.8.2003) in the light of G.O.Ms.No.199 Municipal Administration and Water Supply Department dated 12.8.1997 as amended in G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.5.1998 and in the light of the orders of this court passed in WP.No.25620 of 2006 dated 17.9.2008 and upheld by the Judgment of Division Bench dated 23.6.2010 passed in WA.No.47 of 2010 in respect of persons issuing under the category mentioned in para 3(iv) of G.O.M.S.No.84 Municipal Administration and Water Supply Department dated 21.5.1998 with all consequential service and Monetary benefits.(WP.No.10061 of 2013)

Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent dated 22.09.2008 issued in

Na.Ka.No.15302/2008/A3 and and quash the same and consequently directing the respondents to bring the petitioners into the regular time scale from 30.03.2002 the date on which they completed three years consolidated pay services in the light of G.O.Ms.No.199 Municipal Administration and Water Supply Department dated 12.8.1997 and the G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.5.1998 and the Judgment of the Honourable Division Bench of this Honourable Court dated 23.06.2010 passed in W.A.No.385 of 2010 and WA.No.47 of 2010 with all consequential service and monetary benefits. (WP 1211/2013)

Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent in Na. Ka. No. 3051/2006/A3 dt 27.7.2006 and quash the same in so far as it restricts regularisation of the petitioners services only from 23.6.2006 and direct the respondents to regularise the petitioners services with effect from 31.12.2003 in terms of G.O.Ms.No.198 Municipal Administration and Water Supply Department dt 12.8.1997 and grant petitioner all consequential benefits. (WP 28076/2012)

Writ of Mandamus directing the 4th respondent herein to grant the petitioner herein time scale of pay with effect from 24.9.2001 and pay the arrears of wages and all other attendant benefits. (WP 17688/2013)

Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 2nd respondent dated 25.7.2006 issued in Na.Ka.No.3051/2006/A3 and the proceedings of the 3rd respondent dated 26.7.2006 issued in Na.ka.No.663/2006(Tha.A) and quash the same restricting the date of bringing the petitioners into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of the Judgment of the Division Bench dated 23.6.2010 passed in W.A.No.385 of 2010 & 47 of 2010 with all consequential service and monetary benefits. (WP 21434/2013)

Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent dated 27.07.2006 issued in Na.Ka.No. 3051/2006/A3 and the proceedings of the 3rd respondent dated 31.07.2006 issued in Na.Ka.No. 65/2006 and quash the same restricting the date of bringing the Petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the Petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of G.O.Ms.No.199 Municipal Administration and Water Supply Department dated 12.08.1997 and the G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.05.1998 and the judgment of Division Bench dated 23.6.2010 passed in WA.No.385 of 2010 and WA.47 of 2010 with all consequential service and monetary benefits. (WP 6647/2013).

WP No.16956 of 2013:

calling for the records relating to the proceedings of the 2nd respondent dt 26.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 31.7.2006 issued in Na. Ka. No. 196/2006, and quash the same restricting the date of bringing the petitioners into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of the Judgment of Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 with all consequential service and monetary benefits

WP No.30233 of 2013:

Calling for the records relating to the proceedings of the 2nd respondent dated 25.07.2006 issued in Na.Ka.No. 3051/2006/A and the proceedings of the 3rd respondent dated 25.7.2006 issued in Na.Ka.No. 263/2006 (A1) quash the same restricting the date of bringing the Petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the Petitioners into the regular time scale from the date on which he completed three years consolidated pay services in the light of the Judgment of Division Bench dated 23.06.2010 passed in W.A.No.385 of 2010 & 47 of 2010 with all consequential service and monetary benefits

WP No.34929 of 2012:

Calling for the records relating to the proceedings of the 2nd respondent dated 26.7.2006 issued in Na.Ka.No.3051/ 2006/A3 and the proceedings of the 3rd respondent dated 3.8.2006 issued in Na.Ka.No.201/ 2006 and quash the same restricting the date of bringing the Petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the Petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of G.O.M.S.No.199 Municipal Administration and Water Supply Department dated 12.8.1997, G.O.M.S.No.198 Municipal Administration and Water Supply Department dated 26.10.1998...

WP No.5919 of 2013:

calling for the records relating to the proceedings of the 3rd respondent dt 18.8.2006 issued in Na. Ka. No. 256/2006 and quash the same restricting the date of bringing the petitioners into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of G.O.Ms. No.198 and 199 Municipal Administration and Water Supply Department dt 26.10.1998 and 12.8.1997 and the G.O.Ms. No.84 Municipal Administration and Water Supply Department dt 21.5.1998 and the judgment of Division Bench dt 23.6.2010 passed in W.A.No.385 of 2010 ..

WP No.17684 of 2013:

Directing the 4th respondent herein to grant the petitioner

herein time scale of pay with effect from 24.4.2001 and pay the arrears of wages and all other attendant benefits

WP No.31619 of 2012:

Calling for the records relating to the proceedings of the 2nd respondent dated 27.7.2006 issued in Na.Ka.No.3051/ 2006/A3 and the proceedings of the 3rd respondent dated 23.8.2006 issued in Na.Ka.No.170/ 2006 and quash the same restricting the date of bringing the Petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the Petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of G.O.M.S.No.199 Municipal Administration and Water Supply Department dated 12.8.1997 and the G.O.M.S.No.84 Municipal Administration and Water Supply Department dated 21.5.1998...

WP No.10660 of 2013:

calling for the records relating to the proceedings of the 3rd respondent dated 7.8.2006 issued in Na.Ka.No.53/2006 and quash the same insofar as restricting the date of bringing the petitioner into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioner into the regular time scale from the date on which they completed three years consolidated pay services in the light of G.O.Ms.No.198 and 199 Municipal Administration and Water Supply Department dated 26.10.1998 and 12.8.1997 and the G.O.Ms.No.84 Municipal Administration and Water Supply Department dated 21.5.1998 and the judgment of Division Bench dated 23.6.2010 passed in

WP No.18 of 2014:

calling for the records relating to the proceedings of the 2nd respondent dt 27.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 4.8.2006 issued in Na. Ka. No. 141/2006 (3) in so far as the petitioner alone and quash the same restricting the date of bringing the petitioner into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioner into the regular time scale from the date on which he completed three years consolidated pay services in the light of the Judgment of Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 with all consequential service and monetary benefits

WP No.18344 of 2013:

Calling for the records relating to the proceedings of the 2nd respondent dt 25.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 27.7.2006 issued in Na. Ka. No. 432/2006 (Tha. A) and quash the same restricting the date of bringing the petitioners husband namely K.Subramani into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners husband into the regular time scale from the date on which her husband completed three years consolidated pay services in the light of the Judgment of the Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 with all consequential service monetary benefits to the petitioners arising out of such retrospective regularisation of the service of the deceased employee of the 3rd respondent as well as

the husband of the 1st petitioner ie.K.Subramani.

WP No.9639 of 2013

Directing the 1st and 2nd respondents to regularize the services of the petitioners by bringing them on time scale of pay with effect from 23.7.2001 provided under G.O. Ms. No. 199 (MAWS Department) dated 12.8.1997 and in the light of the Judgements passed by this Honourable Court in W.P. 25620/2006 dated 17.9.2008 and WA. 47/2010 dated 23.6.2010 with all consequential and attendant benefits

WP No.18444 of 2013:

Directing the respondents 1 and 2 to regularise the service of petitioner husband from the date on which he completed consolidated service i.e, with effect from 2001 in the light of the G.O.Ms.No.199 (MAWS Department) dated 12.8.1997 and the order passed by this Honourable Court in W.P.25620/2006 dated 17.9.2008 and W.A.47/2010 dated 23.6.2010 and consequently direct the respondents to pay the arrears of salary and allowances from 2001 to 26.4.2012 i.e., the date on which petitioner husband died in harness

WP No.9401 of 2013:

calling for the records relating to the proceedings of the 2nd respondent dt 27.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 7.8.2006 issued in Na. Ka. No.92/2006 and quash the same restricting the date of bringing the petitioners into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of the Judgment of Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 with all consequential service and monetary benefits

WP No.17126 of 2013

calling for the records relating to the proceeding of the 3rd respondent dt 10.8.2006 issued in his Pro. Na. Ka. No. 180/2006 (A1) and quash the same in so far as the petitioners are concerned and consequently extend the benefit of the G.O.Ms.No.570 Municipal Administration and Water Supply Department dt 15.11.2010 to the petitioners by bringing them into regular time scale of pay from the date of completion of the 3 years of service in the consolidated pay services i.e. (13.5.2001) respectively in the light of G.O. M.S. No.199 Municipal Administration and Water Supply Department dt 12.8.1997 and the G.O.M.S. No.84 Municipal Administration and Water Supply Department dt 21.5.1998 and the orders of ..

WP No.1512 of 2014

Calling for the records relating to the proceedings of the 2nd respondent dt 25.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 26.7.2006 issued in Na. Ka. No. 663/2006 (Tha. A) and quash the same restricting the date of bringing

the petitioners husband namely C. Durairaj into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners husband into the regular time scale from the date on which her husband completed three years consolidated pay services in the light of the Judgment of the Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 with all consequential service ..

WP No.26238 of 2013:

calling for the records relating to the proceedings of the 2nd respondent dt 27.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 23.8.2006 issued in Na. Ka. No. 171/06, and quash the same restricting the date of bringing the petitioners husband namely S. Parameswaran into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners husband into the regular time scale from the date on which her husband completed three years consolidated pay services in the light of the Judgment of Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 and consequentially to direct the respondents ..

WP No.31791 of 2013:

Calling for the records relating to the proceedings of the 2nd respondent dated 27.07.2006 issued in Na.Ka.No. 3051/2006/A3 and the proceedings of the 3rd respondent dated 03.08.2006 issued in Na.Ka.No. A1/196/2006 and quash the same restricting the date of bringing the Petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the Petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of the Judgment of Division Bench dated 23.06.2010 passed in W.A.No.385 of 2010 & 47 of 2010 with all consequential service and monetary benefits.

WP No.15070 of 2013

Calling for the records relating to the proceedings of the 3rd respondent dated 4.8.2006 issued in Na.Ka.No.381/ 2006(A1) and quash the same restricting the date of bringing the Petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the Petitioners into the regular time scale from the date on which they completed three years consolidated pay services in the light of Judgment of Division Bench dated 23.06.2010 passed in W.A.No.385 of 2010 & 47 of 2010 with all consequential service and monetary benefits

WP No.9355 of 2013:

calling for the records relating to the proceedings of the 2nd respondent dt 27.7.2006 issued in Na. Ka. No. 3051/2006/A3 and the proceedings of the 3rd respondent dt 31.7.2006 issued in No.114/2006, and quash the same in so far as the petitioner alone is concerned and restricting the date of bringing the petitioner into time scale with effect from 23.6.2006 onwards alone and to issue consequential

direction to the respondents to bring the petitioner into the regular time scale from the date on which he completed three years consolidated pay services in the light of the Judgment of Division Bench dt 23.6.2010 passed in W.A. No. 385 of 2010 and 47 of 2010 with all consequential service and monetary benefits.

W.P.No.17109 of 2013:

Writ of certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent dated 25.7.2006 issued in Na.Ka.No.3051/ 2006/A3 and the proceedings of the 3rd respondent dated 27.7.2006 issued in Na.Ka.No.292/ 2006/A3 and quash the same restricting the date of bringing the petitioner into time scale with effect from 23.6.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioner into the regular time scale from the date on which he completed three years consolidated pay services in the light of Judgment of the Division Bench dated 23.6.2010 passed in W.A.No.385 of 2010 & 47 of 2010 with all consequential service and monetary benefits.

For appellants in all the appeals Mr. P.H.Arvind Pandian, Addl. Adv. Gen.
assisted by
Mr. V. Jayaprakash Narayanan
Spl. Govt. Pleader

For respondents in WA Nos.1289, 1609 of 2014 & 677 of 2015 Mr. A.R. Suresh
for Mr. A. Baskaran

For respondents in WA Nos.1410, 1411, 1736 of 2014, 365, 518, 721, 629 664, 768 and 779 of 2015 Mr. P.I. Thirumoorthy

For Respondents in W.A.Nos.300, 598, 693, 696, 652, 778/15 Mr. G. Vinoth Kumar

For respondents in WA No.1537/2014 Mr. S. Palanivelayutham-No appearance

For respondent in WA No.1558/2014 & 653 of 2015 Mr. V. Vijayashankar

In WA Nos.1557/2014, 279, 293, 335, 492, 514, 623 and 273/2015 Notice served. No appearance

In WA No.1608 of 2014 Notice served on RR 1&2-No appearance

For R3, service is awaited

In WA No.477 of 2015 Notice served on RR 2-6-No appearance
For R1, service is awaited

COMMON JUDGMENT

SATISH K. AGNIHOTRI, J.

The instant appeals are filed by the State Government and the respective Town Panchayats against the orders passed separately by learned Single Judges, wherein, it was held that the writ petitioners are entitled to regularisation of their service on completion of three years from the date of initial appointment/entry into service.

2 Since all the writ appeals involve only the aforesaid issue, all these writ appeals are being considered and decided by this common judgment.

3 For the sake of brevity, clarity and convenience, the parties are referred to as per their litigative status in the instant appeals.

4 All the respondents are similarly situated, having been appointed during the period 1996 - 2001 on the posts of Sweeper, Electrician, Fitter, etc. against the vacancies created by separate Government Orders issued by the Municipal Administration and Water Supply Department in G.O. Ms.No.199 dated 12.08.1997, G.O. Ms.No.72 dated 05.05.1998, G.O. Ms. No.84 dated 21.05.1998 and G.O. Ms.No.198 dated 26.10.1998 for a period of one year on consolidated pay/daily wages. The said one year tenure was renewable for a maximum period of three years. The said Government Orders as well as the appointment orders issued to the respondents prescribe for grant of regular time scale of pay on assessment of the respondents' performance, after a period of three years. The details of appointment of the respondents and the relevant Government Orders, as projected by the State/appellants, under which they were appointed are given in the following tabular column.

W.A. No.	Name of respondent (s)	Post of respondent	Date of appointment	Post sanctioned under which Government Order
1289/2014	M. Rani (her husband is employee)	Sanitary Worker/ Sweeper	06.09.2000	G.O. Ms.Nos.199 and 84
1410/2014	K.C. Vincent	Electrician	01.03.2001	G.O. Ms.No.72
1411/2014	P. Aliver Inbaraj P. Thangasamy	Fitter Meter Reader	01.08.2001 03.08.2001	G.O. Ms.No.198 G.O. Ms.No.198
1537/2014	K. Perumal V. Srinivasan M. Nagarajan K. Vasagar	Pipe Line Maintenance Helpers	20.06.1985 10.07.1992 14.02.1985 15.03.1982	G.O. Ms.No.242 G.O. Ms.No.242 G.O. Ms.No.242 G.O. Ms.No.242
1557/2014	T. Jayanthi	Sanitary Worker/ Sweeper	02.05.1998	G.O. Ms.Nos.199 and 84
1558/2014	D. Parameswari	Sanitary Worker/ Sweeper	02.05.1998	G.O. Ms.Nos.199 and 84
1608/2014	T. Kesavadhass P.S. Kumar	Electrician Fitter	16.02.2001 01.08.2000	G.O. Ms.No.72 G.O. Ms.No.198
1609/2014	S. Arumugam	Sanitary Worker/ Sweeper	06.09.2000	G.O. Ms.Nos.199 and 84
1736/2014	D. Martin K. Mani K. Jeyaraman P. Renganathan E. Indira Kumar	Sanitary Workers/ Sweepers	01.01.1998 01.01.1998 01.01.1998 01.01.1998 01.01.1998	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
279/2015	P. Velappan	Watchman	01.01.2001	G.O. Ms.No.198
293/2015	G. Govindammal	Sanitary Worker/ Sweeper	23.10.1998	G.O. Ms.Nos.199 and 84
300/2015	M. Chandran	Office Assistant	01.07.1998	G.O. Ms.No.84
335/2015	P. Balakrishnan M. Balakumar P. Durai Raj Gnanasekaran A. Sivaji	Sanitary Workers/ Sweepers	10.07.1998 10.07.1998 31.07.2000 31.07.2000 31.07.2000	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
365/2015	M. Seeralan K. Murugan Rani T. Suriyamoorthy S. Raghunathan M. Ezhumalai K. Govindaraj V. Sanjivee Chandran	Sanitary Workers/ Sweepers	01.12.1997 01.12.1997 01.11.1998 01.11.1998 01.11.1998 01.11.1998 01.11.1998 01.11.1998 01.06.2000	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84

सत्यमेव जयते

WEB COPY

W.A. No.	Name of writ petitioner(s)	Post of worker	Date of appt.	Place of appt.
477/2015	C. Manickam K. Abimannan M. Murugan K. Velan M. Chinnathai R. Parvathy	Sanitary Workers/ Sweepers	01.06.1998 " " " " "	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
492/2015	R. Sekar T. Chandran P. Muthuraman R. Rajamanickam	Sanitary Workers/ Sweepers	01.04.1998 01.04.1998 01.04.1998 01.11.2001	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
514/2015	K. Dhanabal D. Karthikeyan A. Tamilvel	Motor Operators	05.09.2001	G.O. Ms.No.198 G.O. Ms.No.198 G.O. Ms.No.198
518/2015	P. Chelladurai	Sanitary Worker/Sweeper	02.05.1988	G.O. Ms.Nos.199 and 84
623/2015	M. Kavuraj	Meter Reader	04.06.2001	G.O. Ms.No.198
598/2015	G. Karmegam R. Sadhasivam K. Radhakrishnan P. Chinnan S. Murugesan S. Kanaga Pappathi	Sanitary Workers/ Sweepers	06.04.1998	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
677/2015	R. Rajendran R. Dasingh	Sanitary Worker/Sweeper	15.05.1998 "	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
693/2015	M. Mathaiyan	Sanitary Worker/Sweeper	03.06.1998	G.O. Ms.Nos.199 and 84
696/2015	Kumari & her issues (R1's husband was employee)	Sanitary Worker/Sweeper	29.06.1998	G.O. Ms.Nos.199 and 84
721/2015	Lakshmi & her issues 1 st petnr's husband was employee	Sanitary Worker/Sweeper	16.07.1998	G.O. Ms.Nos.199 and 84
270/2015	P. Saravanan N. Panneer C. Kalanchi P. Aruna K. Murugesan R. Murugan R. Senthilkumar A. Palanivel M. Rajendran A. Manickam	Sanitary Workers/Sweepers	01.04.1999	G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
629/2015	K. Lakshmi	Sanitary Worker/Sweeper	28.09.1998	G.O. Ms.Nos.199 and 84

W.A. No.	Name of writ petitioner(s)	Post of worker	Date of appt.	Place of appt.
652/2015	Parvathy & her issues 1 st petnr's husband was employee	Sanitary Worker/Sweeper	19.01.1999	G.O. Ms.Nos.199 and 84
653/2015	R. Saravanan K. Chinnasamy K. Gopalakrishnan C. Raman K. Ramasamy P. Subamaniam A. Mariammal R. Mariyai S. Lakshmi E. Murugammal A. Palanisamy P. Somasundaram R. Subramaniam R. Periyaperumal K. Palanichamy P.R. Saravanan M. Rangasamy A. Palanichamy P. Parvathy V. Sankaran	Sanitary Workers/Sweepers	23.07.1998	G.O. Ms.Nos.199 and 84
664/2015	V. Vincent N. Rathinasamy	Fitter Electrician Helper	01.11..2000 10.10.2001	G.O. Ms.No.198 G.O. Ms.No.72
768/2015	Y. Robinson G. John Victor N. Robinson M. Krishnan	Electrician Helper Electrician Sanitary Worker/ Sweeper	01.10.2000 01.06.2001 01.12.1997 10.11.1998	G.O. Ms.No.72 G.O. Ms.No.72 G.O. Ms.Nos.199 and 84 G.O. Ms.Nos.199 and 84
778/2015	A. Venkatesan G. Mariyappan Govindasamy Govindan P. Venkatasamy G.S. Saravanan	Sanitary Workers/ Sweepers	03.04.1998	G.O. Ms.Nos.199 and 84
779/2015	G. Ravikumar	Motor Operator	17.08.2001	G.O. Ms.No.198

5 The learned Single Judges, relying on a Division Bench judgment dated 19.12.2008 rendered in W.A. No.1454 of 2007 in the Director of Town Panchayat and 2 others vs. R. Sundaradas (for short "Sundaradas") and yet another Division Bench judgment dated 23.06.2010 rendered in W.A. Nos.47 and 385 of 2010 in the Executive Officer vs. C. Kittusamy and 11 others (for short "Kittusami"), directed the appellants to regularise the service of the respondents on completion of three years from the date of initial appointment, with all consequential monetary benefits.

6 Mr. P.H. Arvinth Pandian, learned Additional Advocate General appearing for the appellants would contend that the services of the respondents could not be regularised because of the ban imposed by the Government in filling up posts under G.O. Ms.No.212, Personnel and Administrative Reforms Department dated 29.11.2001, till the said ban was lifted by the Government under G.O. Ms.No.14, Personnel and Administrative Reforms Department dated 07.02.2006. The respondents were thereafter regularised with effect from June 2006 onwards. It is further contended that a Full Bench of this Court, in S. Dhanasekaran and 24 others vs. Government of Tamil Nadu

and 2 others¹, had come to a categorical conclusion that the employees are entitled to regularisation in service, only from the date of Government Order and not prior to that.

7 On the other hand, M/s. A.R. Suresh, P.I. Thirumoorthy and V.Vijayashankar, learned counsel for the respondents (the writ petitioners) would submit that the instant appeals are not maintainable, as the issue in regard to regularisation after completion of three years is no longer *res integra*. According to them, the legality and validity of G.O.Ms.Nos.199 and 84 of the Municipal Administration and Water Supply Department dated 12.08.1997 and 21.05.1998 respectively, came up for consideration before a Division Bench of this Court. The Division Bench of this Court directed the appellants to regularise the service of the respondent on completion of 3 years from the date of initial appointment. Thereagainst, a Special Leave Petition being SLP (C) No.16217 of 2009, preferred by the Director of Town Panchayat and others was dismissed by order dated 16.03.2012. Consequent thereupon, most of the similarly-situated employees have been granted regularisation after completion of 3 years with consequential monetary benefits and as such, the State is estopped from raising and re-opening the same issue, which has attained finality. It is further contended that the Full Bench in S. Dhanasekaran (*supra*) was concerned only with G.O. Ms.No.101 and 71 dated 30.04.1997 and 05.05.1998 respectively of the Municipal Administration and Water Supply Department, in respect of lifting of the general ban and also the employees of the Municipalities and Corporations and as such, the ratio laid down by the Full Bench is not applicable to the facts of this batch of cases. Thus, all the writ appeals preferred by the State and Director of Town Panchayat are liable to be dismissed.

8 We have given our anxious consideration to the submissions advanced by the learned counsel for the parties, perused the pleadings and documents appended thereto.

9 The State of Tamil Nadu, exercising powers conferred by sub-section (1) of Section 58 and sub-section (1) of Section 178 of the Tamil Nadu Panchayats Act, 1958, framed the Tamil Nadu Panchayat Establishment Rules, 1988 (for short "the Establishment Rules") which came into force from 23.03.1989. The Establishment Rules regulate appointment of employees in Panchayats, including the Town Panchayats as is evident from Rule 2 of the General Rules, Part II. Rule 15 (a), *ibid*, prescribes for temporary appointments, wherein, it is provided that notwithstanding anything contained in these Rules or any other Rules, where it is necessary in the public interest or for administrative reasons, to fill immediately, a vacancy in a post and there would be delay in making such appointment in accordance with these rules or any other rules governing such appointment, the appointing authority may, for reasons to be already recorded in writing, temporarily appoint a person otherwise than in accordance with the said rules. It is further provided under Rule 15(b) that a person appointed under Rule 15(a) shall not be regarded as a probationer or be entitled only by reason of such appointment, to any preferential claim to a future appointment. The appointment shall be with a condition to replace, as soon as possible, by a qualified

regular candidate so appointed. The third proviso to Rule 15(b) stipulates that the period of appointment shall not exceed one year at a time. Clause (c) of Rule 15, *ibid*, provides for payment of substantive pay or the minimum pay in the time scale of pay applicable to the post.

10 In addition to the Establishment Rules, there is a separate rule called the Tamil Nadu Town Panchayats Establishment (Qualification and Recruitment of Office Assistant) Rules, 1988 (for short "the Office Assistant Rules") which also deal with qualification for recruitment of Office Assistants, including Sanitary Worker, Scavenger, Sweeper, Gardener, Watchman, etc. Under the said Rules, there is a similar provision under Rule 14, wherein, it is prescribed that temporary appointment can be made in case of public interest or for administrative reasons, which shall not exceed one year at a time.

11 Vide G.O. Ms.No.199, Municipal Administration and Water Supply Department dated 12.08.1997, several posts were created. Under Clause 4 of the said Government Order, the Director of Town Panchayat is empowered to create additional posts of Sanitary Workers with inter alia certain conditions. We are concerned with relevant sub-clause (6) of clause (4) of the said Government Order, which clearly provides that such employees shall be appointed initially for a period of one year and thereafter, the appointments shall be renewed year after year, for a period of three years and after a period of three years, reviewing the competence of the employees, the Government shall issue orders with reference to appointing them in time scale of pay under regular basis. Further, under sub-clause (5) of clause (4), the consolidated pay of Rs.950/- was contemplated to be enhanced by 10% every year.

12 On the identical lines, in 1998, vide G.O. Ms.No.84, Municipal Administration and Water Supply Department dated 21.05.1998, more posts of Sanitary Workers and other employees were created with the identical condition for payment of consolidated pay and also their continuation for three years and thereafter, regularisation on the basis of their performance. For Municipalities and Corporations, similar Government Orders, viz., G.O. Ms.No.101 and G.O. Ms.No.71 dated 30.04.1997 and 05.05.1998 of Municipal Administration and Water Supply Department were issued.

13 According to the learned counsel for the respondents, the respondents were appointed by a proper selection on the basis of names drawn from employment exchange. The appellants had not denied the fact of their selection as per the prevailing system by drawing the names from employment exchange and by consideration and selection by the Select Committee. The respondents continued in the same capacity without removal or without regularisation.

14 In the meantime, the State came up with a Government Order in G.O. Ms.No.212, Personnel and Administrative Reforms Department dated 29.11.2001 imposing ban for filling up all vacant posts, except the post of teachers, doctors and police constabulary, which was lifted subsequently vide G.O. Ms.No.14, Personnel and Administrative Reforms Department dated 07.02.2006. It is not in dispute that all

the respondents were appointed against newly created posts, as aforesaid, before 29.11.2001.

15 On a careful perusal of G.O. Ms.No.212, Personnel and Administrative Reforms Department dated 29.11.2001, it is manifest that there was a ban only qua filling up of post and not qua regularisation of services of employees appointed on consolidated pay with a condition that their services shall be placed on time-scale on regular cadre on review of their performance after a period of three years. The initial appointment order of some of the respondents have been placed before us. From a perusal of the same, it is luculent that the respondents were clearly informed that their appointment was temporary on consolidated pay and that one year period was renewable by enhancing pay by 10% every year. The respondents were further informed that, on the basis of their performance, there is probability of their being regularised in service.

16 At this juncture, it is pertinent to point out that the dispute involved herein has to be understood and appreciated in the contextual background. It is not a case, where, respondents, having been appointed on temporary basis, de hors the Constitutional scheme of employment, seek regularisation. (See State of Karnataka and Others vs. Umadevi², Union of India and others vs. A.S. Pillai and others³, State of Rajasthan and others vs. Daya Lal and others⁴ and Secretary to Government, School Education Department, Chennai vs. Thiru. R. Govindaswamy and Others⁵).

17 It is evident that the respondents were appointed in terms of the relevant rules framed under the Tamil Nadu Panchayats Act, 1958, for the purpose of regulating the service conditions of the Panchayat employees, viz., Sanitary Worker, Electrician, Electrician Helper, Fitter, Meter Reader, Pipe Line Maintenance Helper, Overhead Tank Operator, Watchman, Office Assistant, Motor Operator, etc. The relevant provisions of the Establishment Rules, viz., Rule 15, first proviso to Rule 15(b) read with third proviso to Rule 14 of the Office Assistant Rules, provide for appointment on temporary basis, in case of administrative necessity and public interest, initially, for a period of one year at a time and renewal thereafter.

18 In the cases on hand, the appointment orders were issued on same terms, appointing the respondents for one year, renewable on verification after every year for three years. The appointment orders clearly indicate that on the basis of review/assessment of the performance of the respondents for three years, they may be regularised. It is undeniable that all the respondents were allowed to continue on renewal of the period of appointment with increase in consolidated pay every year. According to the learned counsel for the respondents, their performance was properly assessed by the concerned Town Panchayats and their cases were forwarded to the Government for regularisation. It is also the case of the respondents that the appellants, taking recourse to G.O. Ms.No.212, Personnel and Administrative Reforms Department dated 29.11.2001, failed to

2 (2006) 4 SCC 1

3 (2010) 13 SCC 448

4 AIR 2011 SC 1193

5 (2014) 4 SCC 769

regularise their services.

19 As we have already held in the preceding paragraphs, G.O.Ms.No.212, Personnel and Administrative Reforms Department dated 29.11.2001 does not deal with regularisation of the present employees/respondents. The said Government Order was only in respect of filling up of vacant posts. The instant cases do not fall within the ambit of the said Government Order and as such, the same is not applicable to the cases on hand. As a sequel, the respondents are entitled to consideration of their case for regularisation on completion of 3 years from the date of their appointment in terms of the appointment order as well as provisions of the relevant rules.

20 It is a trite law that an employee cannot claim regularisation without proper assessment on completion of a particular period of time, as is the scenario in the present cases. As held above, the respondents are not entitled to regularisation on completion of three years without proper assessment/verification of their 3 years' performance. The impugned orders of the learned Single Judge to the extent of granting regularisation on the heels of completion of three years with consequential benefits is unsustainable in the eye of law and as such, to that extent, the orders impugned in the instant appeals are liable to be set aside. Accordingly, the orders impugned are modified to the extent that if proper assessment/review after three years has not been done by the concerned Town Panchayats, the concerned Town Panchayats are directed to assess/review the performance of the respondents on completion of three years and consider and pass appropriate orders accordingly. In the event, the assessment/review has been made and a list has been prepared on that basis, which, according to the respondents, has been forwarded to the Government, the same has to be considered for approval without further assessment.

21 A Division Bench of this Court in Sundaradas (supra), while examining the identical issue in respect of regularisation of employees who were appointed under G.O.Ms.Nos.199 and 84 of the Municipal Administration and Water Supply Department dated 12.08.1997 and 21.05.1998 respectively, after completion of three years of their service, upheld the order passed by the learned Single Judge, wherein, it was held that the respondents have completed three years of service and the authorities have appraised their services and on being satisfied, recommended the case to the respondents for regularisation. Thus, they were held as entitled to regularisation after three years.

22 Relying on the aforesaid judgment dated 19.12.2008, a Division Bench of this Court in C. Kittusamy (supra), dismissed the appeals on 23.06.2010, upholding the order of the learned Single Judge for regularisation after three years. It is informed that the Special Leave Petition preferred thereagainst has been dismissed at the admission stage itself. Thus, in all the writ petitions filed subsequently by other similarly-placed employees, similar order of regularisation after three years with consequential benefits was passed.

23 Yet again, a Division Bench of this Court, in the State of Tamil Nadu and 2 others vs. A. Kalaikumar, on the same issue, by judgment dated 12.03.2014, confirmed the order of the learned Single Judge. Thereagainst, a Special Leave Petition being SLP (C) No.19006 of 2014 was preferred by the State which was dismissed on 30.03.2015.

24 In another batch of two writ appeals in L. Muthusamy and 4 others vs. The Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department and 2 others (W.A. Nos.316 and 317 of 2013), wherein, the order of the learned Single Judge taking a contrary view was impugned, a Division Bench of this Court, by judgment dated 02.04.2014, allowed the said appeals holding that the appellants therein are entitled to regularisation on having completed three years of satisfactory service.

25 In S. Dhanasekaran (supra), a Full Bench of this Court, on reference, with regard to regularisation of services of employees of Municipalities and Municipal Corporations appointed under G.O. Ms.No.101 dated 30.04.1997 and G.O. Ms.No.71 dated 05.05.1998 of Municipal Administration and Water Supply Department in the light of G.O.Ms.No.21 dated 23.02.2006 of the same department, considered the fixation of cut-off date for regularisation of sanitary workers appointed on consolidated pay and held as under:

"27 (c) Thus, a conjoint reading of G.O. Ms.No.101, Municipal Administration and Water Supply Department dated 30.04.1997 and G.O. Ms.No.21, Municipal Administration and Water Supply Department dated 23.02.2005, would go to clearly show that on completion of three years of service from the date of initial appointment, the Government had an option to examine the question of regularisation, which the Government did only in 2006 and it is the wisdom of the Government to give regularisation from any date (vide judgment of the Supreme Court in K. Madalaimuthu and another vs. State of T.N. and others, 2006 (6) SCC 558). Unless such date fixed by the Government, giving effect to the regularisation, is proved to be arbitrary and violative of Article 14 of the Constitution of India or any other Constitutional provision, it cannot be held, in vacuum, that the said norms prescribed in G.O. Ms.No.21 for the purpose of regularisation is either illegal or unconstitutional. Therefore, we have no hesitation to hold that regularisation of such Sanitary Workers, who are governed by G.O. Ms. No.101, 71 and 2, Municipal Administration and Water Supply Department dated 30.04.1997, 05.05.1998 and 23.02.2006 respectively, shall be only from 23.02.2006. The contrary view expressed elsewhere in the judgments referred to above, in our respectful view, are not correct."

26 The employees involved in the instant cases are Sanitary Workers, Electrician, Electrician Helper, Fitter, Meter Reader, Pipe Line Maintenance Helper, Overhead Tank Operator, Watchman, Office Assistant, Motor Operator, etc. appointed in Town Panchayats under other Government Orders, wherein, several Single Benches and Division

Benches have considered the matter and held that the said employees appointed on consolidated pay are entitled to regularisation after three years.

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 We are not delving into other questions, viz., res judicata and also regularisation of ad hoc/daily wage employees, as the same are not relevant and necessary in the contextual background of the facts involved in these cases. Thus, we are not referring to and discussing all the decisions cited by the learned counsel appearing for the parties on different issues, which are not germane for adjudication of the issue involved herein.

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.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

cad

To

1. The Secretary to Govt. of Tamilnadu,
Municipal Administration and water supply Department,
Fort St.George, Chennai - 9.

2. The Director of Town Panchayat,
Kuralagam, Chennai - 108
3. The Assistant Director of Town Panchayats,
Regional Office, Salem.
4. The Assistant Director of Town Panchayat,
Cuddalore District.
5. The Executive Officer,
Thiruneermalai Town Panchayat,
Kancheepuram District.
6. The Executive Officer,
Kadaya 1st Grade Town Panchayat,
Kadaya Post, Kanyakumari District.
7. The Executive Officer,
Palapallam Town Panchayat,
Palapallam, Kanyakumari District.
8. The Executive Officer,
Attayampatti Town Panchayat,
Salem District.
9. The Executive Officer,
Vilapakkam First Grade Town Panchayat,
Vilapakkam, Vellore District.
10. The Executive Officer,
Chinnasalem Panchayat,
Kallakurichi Taluk,
Villupuram District.
11. The Executive Officer,
Edaikode Town Panchayat,
Edaikode, Kanyakumari District.
12. The Executive Officer,
Elampillai Town Panchayat, Salem.
13. The Executive Officer,
Palacode Selection Grade Town Panchayat,
Dharmapuri District.
14. The Executive Officer,
Uppiliyapuram Town Panchayat,
Uppiliyapuram, Trichy District.
15. The Executive Officer,
Sholingar Selection Grade,
Town Panchayat,
Sholingar, Vellore District.

- 16.The Executive Officer,
Pennagaram Selection Grade Town Panchayat,
Pennagaram, Dharmapuri District.
- 17.The Executive Officer,
Thiruvalam Town Panchayat,
Thiruvalam, Vellore District.
- 18.The Executive Officer,
Mecheri Town Panchayat,
Mecheri, Salem District.
- 19.The Executive Officer,
Karuppoor Town Panchayat,
Karuppoor, Salem District.
- 20.The Executive Officer,
Veerakal Pudhur,
Town Panchayat,
Konoor Post, Salem District.
- 21.The Executive Officer,
Reethapuram Town Panchayat,
Reethapuram, Kanyakumari District.
- 22.The Executive Officer,
Bargur Selection Grade Town Panchayat,
Bargar, Krishnagiri District.
- 23.The Executive Officer,
Annur Town Panchayat,
Coimbatore District.
- 24.The Executive Officer,
Kodhnalloor Town Panchayat,
Kodhanalloor,
Kanyakumari District.
- 25.The Executive Officer,
Pappireddipatti Selection Grade Town Panchayat,
Dharmapuri District.
- 26.The Executive Officer,
Thingal Nagar Town Panchayat,
Thingal Nagar, Kanyakumari District.
- 27.The Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram, Kanyakumari District.
- 28.The Executive Officer,
Kelamangalam Selection Grade Town Panchayat,
Krishnagiri District.

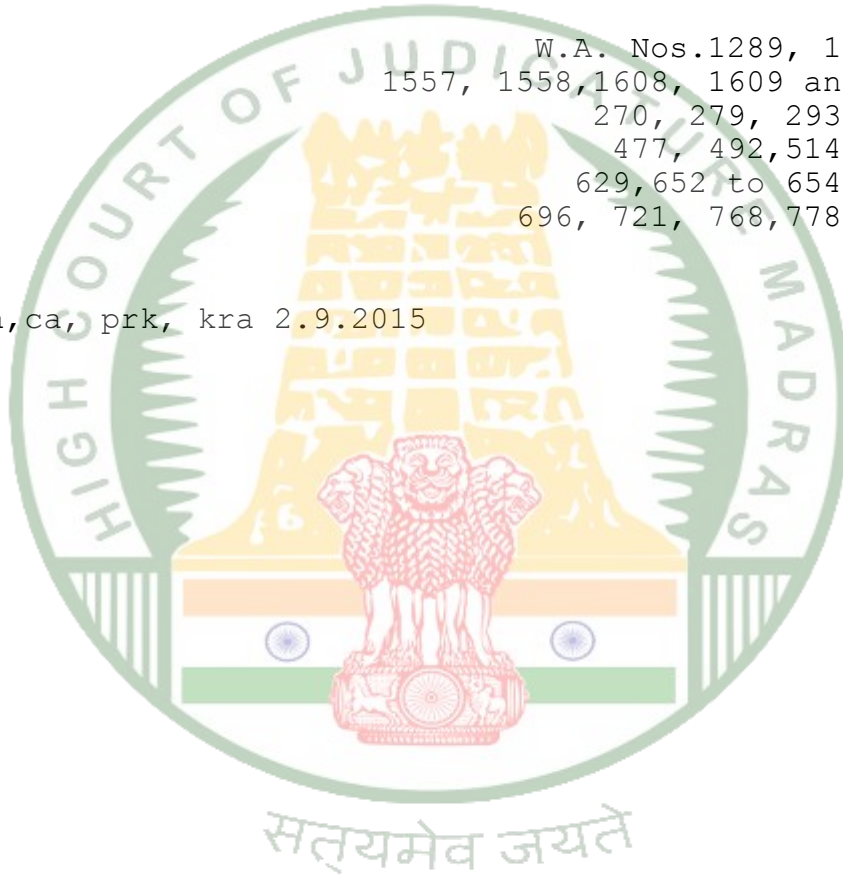
29.The Executive Officer,
Killiyoor Town Panchayat,
Killiyoor, Kanyakumari District.

30.The Executive Officer,
Manavalakurichi Town Panchayat,
Manavalakurichi, Kanyakumari District.

+5 ccs to Mr.G.Vinodakumar, Advocate, sr.32130 to 32134
+2 ccs to Mr.A.Baskaran, Advocate, sr.32266, 32268
+1 cc to Mr.U.Vijay Shankar, Advocate, sr.32508
+4 ccs to Mr.S.Palanivelayutham, Advocate, sr.32324
+15 ccs to Mr.P.L.Thirumoorthy, Advocate, sr.32464.
+5 ccs to M/s.V.Jayaprakash Narayanan, Advocate, sr.32020 (23/09/2015)

W.A. Nos.1289, 1410, 1411, 1537,
1557, 1558,1608, 1609 and 1736 of 2014 &
270, 279, 293, 300, 335, 365,
477, 492,514, 518, 598, 623,
629,652 to 654, 664, 677, 693,
696, 721, 768,778 and 779 of 2015

bur(coi)
Pmk.psi,aa,ca, prk, kra 2.9.2015



WEB COPY