

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

C O R A M:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No. 1719 of 2015

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai 600 009.
2. The Director of Town Panchayat,
Kuralagam Buildings, Chennai.108.
3. The Executive Officer,
Nalloor Town Panchayat,
Nalloor,
Kanyakumari District. Appellants/ Respondents

Vs

1. T. Prince Peter
2. C. Kamalaian
3. C. Vargeese
4. T. John Benedict
5. C. Pazani Swamy
6. C. Rajan
7. K. Sivakumar
8. T. Francis Xavier
9. T.S. Jaya Singh Bell
10. A. Kamalam

... Respondents/ Petitioners

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 24.01.2014 passed in W.P. No.1824 of 2014.

This Writ Petition filed under Article 227 of the Constitution of India to issue a writ of certiorarified mandamus 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 31.7.2006 issued in Na.Ka.No.A1/130/2006 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 & 471 of 2010 with all consequential service and monetary benefits.

For appellants : Mr. V. Jayaprakash Narayanan
Spl. Govt. Pleader

For respondents : Mr.G. Vinodh Kumar R1 to R10

JUDGMENT

(Delivered by SATISH K. AGNIHOTRI, J.,)

With the consent of the learned counsel for the parties, this writ appeal is taken up for final disposal.

2. Assailing the order dated 24 January, 2014 passed in WP No. 1824 of 2014 this intra-Court appeal is filed.

3 The State Government had issued an Order with regard to the issue as to whether the employee is entitled to regularisation immediately after completion of three years without proper assessment of the performance vide G.O.Ms.No.199, Municipal Administration and Water Supply Department, dated 12 August, 1997.

4 The aforesaid issue involved in the instant appeal came up for consideration in (The Secretary to Government of Tamil Nadu, Municipal Administration & Water Supply Department and two others vs. M. Rani¹, which was partly allowed by a Division Bench of this Court, of which one of us was a Member (Satish K. Agnihotri, J.), observing as under:

1 2015 W.L.R. 791

"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."

5 Learned Special Government Pleader appearing for the appellants fairly submits that the issue involved in the instant appeal is squarely covered by the aforestated decision and pursuant thereto, the State Government has issued a fresh Order in G.O.Ms.No. 142, Municipal Administration and Water Supply (TP 1), Department, dated 23 September, 2015.

6 In view of the decision cited supra and the submission made by the learned Special Government Pleader, the writ appeal stands partly allowed on the same terms. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai 600 009.

2. The Director of Town Panchayat,
Kuralagam Buildings, Chennai.108.

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

1 cc to Mr.V. Jayaprakash Narayanan, Advocate, sr. 68438

W.A. No.1719 of 2015

SR (CO)

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