

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.739 of 2015
and
M.P. No.1 of 2015

The Commissioner
Coimbatore City Municipal Corporation
Coimbatore. Appellant/3rd Respondent

vs

1. P. Sundarasu
2. C. Arumugam
3. S. Kuppusamy
4. K. Rangasamy
5. The Secretary to Government
of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai.
6. The Commissioner of
Municipal Administration
Chepauk
Chennai.
7. The Assistant Commissioner
Coimbatore Zone (South)
Coimbatore City Municipal Corporation
Coimbatore. ... Respondents/Petitioner 1to4 /
Respondents 5 to 7

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 25/6/2013 made in W.P.No.12045 of 2013.

Petitioner under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 4 to

regularize the services of the petitioners by bringing them on time scale of pay with effect from the respective dates of completion of 3 years of service as 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 benefit benefits and consequently dismiss the writ petition No.12045 of 2013 and allow the present appeal.

For appellant : Mr.R.Sivakumar

For respondents : Mr.N.Balamururali Krishnan
for M/s.V.Vijaya Shankar
for RR.1, 2 and 4.

J U D G M E N T

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

This intra-Court appeal is filed by the Commissioner, Coimbatore City Municipal Corporation, impugning the order dated 25.06.2013 passed in W.P. No.12045 of 2013, whereby and whereunder, the learned Single Judge directed the respondents therein to regularise the service of the writ petitioners on completion of three years from the date when they were appointed on consolidated pay into regular time scale of pay and to pay consequential monetary benefits.

2 The aforesaid issue involved in the instant appeal came up for consideration before this Bench in W.A. Nos.12891 (The Secretary to Government of Tamil Nadu, Municipal Administration & Water Supply Department and two others vs. M. Rani (W.A. No.1289/2014 etc. batch), which was partly allowed by us observing as under:

"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."

3 In view of the foregoing, the instant appeal also stands partly allowed on the same terms. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Commissioner, Coimbatore City Municipal Corporation, Coimbatore.
2. The Secretary to Government
of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai.
3. The Commissioner of
Municipal Administration
Chepauk
Chennai.
4. The Assistant Commissioner
Coimbatore Zone (South)
Coimbatore City Municipal Corporation
Coimbatore.

+1 cc to M/s.V.Vijay Shankar, Advocate, SR.32507.

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W.A. No.739 of 2015

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