

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

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

W.A.Nos.1763 to 1766 of 2014
and
M.P.Nos.1,2,2,2,1,1 and 1 of 2014

The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli-620 001. Appellant in all writ appeals

Vs.

1. M.R.Ramesh
2. L.Antony Jones
3. A.Ganesh Babu
4. R.Diwakar
5. L.Pushparani

6. The State of Tamil Nadu,
rep by the Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George,
Chennai-600 009.

7. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

... Respondents in
W.A.Nos.1763 and 1766 of 2014

1. M.R.Ramesh
2. The State of Tamil Nadu
represented by the Secretary to Government,
Municipal Administration & Water Supply
Department,
Fort St. George, Chennai-600 009.

3. The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

4. K.Jagajeevanram

5. K.Ibrahim

6. K.Srinivasan

7. V.Rajperiasamy

8. I.Albert

9. M.Jeyakumar

... Respondents in
W.A.No.1764 of 2014

1. A.Ganesh Babu

2. The State of Tamil Nadu
represented by the Secretary to Government,
Municipal Administration & Water Supply
Department,
Fort St. George,
Chennai-600 009.

3. A.Ravichandran

4. A.John Joseph

... Respondents in W.A.No.1765 of 2014

These writ appeals are preferred under Clause 15 of the Letters Patent against the order dated 04.07.2014 passed in W.P.Nos.4662, 5174, 5175 of 2001 and 2866 of 2009.

PRAYER in W.P.2866/2009: This Writ Petition has been filed under Section 226 of the Constitution of India to issue an order of Writ of Certiorarified Mandamus, calling for the records relating to GO (D) 274 MAWS dated 19.06.2007 issued by the 1st respondent and Na.Ka. En.7684/1999/C1 (Maiyam) dated 29.06.2007 issued by the 2nd respondent and Roc. No. C1(M) 2296/2007 dated 13.09.2007 issued by the 2nd respondent, quash the same in so far as the petitioners are concerned and consequently direct the respondents to regularise the service of the petitioners in the category of Technical Assistants by giving priority as prescribed in G.O (Ms) No.187 MAWS dated 24.07.1997 and G.O (Ms) No.21 MAWS dated 02.03.1998 with all consequential benefits including monetary benefits since they were all recruited through Employment Exchange and pass such further orders.

Prayer in W.P.4662 of 2001:- This Writ petition has been filed under Section 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent in letter No.32331/ME3/99-1 dated 7.12.1999 and quash the same in so far as the petitioners are concerned and direct the respondents to regularise the Services of the petitioners in the category of Technical Assistant by giving priority as prescribed in G.O.(MS) No.187 MAWS dated 24.07.1997 and in G.O (MS) No.21 MAWS dated 2.3.1998 since they were all recruited through employment exchange properly even in 1994 itself.

Prayer in W.P.No.5174/2001 and W.P.No.5175/2001:- These Writ Petitions have been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus in the nature of Writ of calling for the records, relating to the impugned order passed by the First Respondent in his proceedings No.4562/2000/C1 Central dated 28.2.2001 and quash the same in so far as the petitioner is concerned and direct the First Respondent to regularise the service of the petitioner in the category of Technical Assistant with effect from 1.10.1996 in accordance with the orders issued in G.O.(MS)No.125 MAWS dated 27.5.1997 and also based on the Principal layed down in GO(Ms)No.187 MAWS dassted 24.7.1997 and in GO (Ms)No.21 MAWS dated 2.3.1998, even in the year 1994 itself.

For Appellant : Mr.P.Srinivas

For Respondents : Mr.Karthik
for M/s.Menon, Karthik and Mukundan
for private respondents in all W.As.

COMMON JUDGMENT

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

The writ petitioners were appointed as Technical Assistants much before 1997. Thereafter, the Municipal Administration and Water Supply Department, Government of Tamil Nadu by G.O.Ms.No.187 dated 24.7.1997 decided to regularise the employment of the employees of the municipality in the following terms :

i)The employees who were selected through the employment exchange and have been working in the municipalities for long years on daily wages basis, shall be appointed on preferential basis.

ii)The employees who are working on daily wage basis and who were not selected through the employment

exchange, shall be appointed based on their seniority in the employment exchange registration.

Iii)The employees who have not registered in the employment exchange, but working on daily wage basis, shall be appointed on the basis of their seniority in the employment exchange registration, after their registration with the employment office."

2. One more Government Order in G.O.Ms.No.21 dated 2.3.1998 was issued authorising the Commissioner of Municipal Administration to appoint drivers, who were working on daily basis, on regular basis. The appellant, relying on the said G.Os., regularised the respondents as un-skilled workers. Being aggrieved, the respondents / writ petitioners have come up with the writ petitions, seeking compliance of the aforestated G.Os and also regularising them as skilled workers with effect from the date they became entitled under the aforestated G.Os. The learned Single Judge considered the issue at length and held as under :

"7.Record also shows that a proposal has already been made in G.O.(D) No.520 Municipal Administration and Water Supply Department dated 10.10.2013. A reading of the said proposal clearly shows that the Government have permitted the Commissioner of Municipal Administration to fill up 263 posts. Sl. No.12 in the Annexure also shows that 12 posts of Technical Assistants has been agreed to filled up. Therefore, there is no impediment for the respondents to appoint the petitioners in the post of Technical Assistants. Recording the above submissions, the first respondent is directed to complete the above said exercise, within a period of six weeks from the date of receipt of a copy of this order. Mr.Karthik, learned counsel appearing for the petitioners fairly made a statement before this Court that the petitioners will not claim any backwages, if they are given the benefit of continuity of service from the date of filing these writ petitions, since there were vacancies even from June 2007."

The direction issued was to regularise them from the date of filing of the writ petition, not from the date which initially they sought in the writ petitions.

3. The learned counsel appearing for the respondents herein / writ petitioners would submit that the writ petitioners would be contented if the writ petitioners are regularised as skilled workers with effect from the date of filing of the writ petitions.

4. We have heard the learned counsel for parties and perused the pleadings and documents appended thereto. On giving anxious consideration to all respects, we find that the view taken by the learned Single Judge is in accordance with law and we uphold the same. The order passed by the learned Single Judge is just and proper, warranting no interference. Resultantly, all writ appeals are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli-620 001.
2. The Secretary to Government,
The State of Tamil Nadu
Municipal Administration & Water Supply
Department,
Fort St. George,
Chennai-600 009.
3. The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

+1cc to M/s.Menon, Karthik, Mukundan, Advocate, S.R.No.19030
+1cc to M/s.P.Srinivas, Advocate, S.R.No.18821

W.A.Nos.1763 to 1766 of 2014

MP (CO)
CA(21/04/2015)

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