

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30626 of 2015

A.Mahalingam

...Petitioner

Versus

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Municipal Administration and water supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Salem City Municipal Corporation,
Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus direct the respondents to give effect of date of regular appointment of the petitioner in the post of Unskilled worker with effect from 15.05.2001 instead of from 23.02.2006 and to grant the petitioner all consequential service and monetary benefits, including pensionary benefits under Tamil Nadu Pension Rules.

For Petitioner : Mr.M.Ravi

For RR 1 & 2 : Mr.N.Srinivasan, AGP

For R3 : Mrs.K.Bhuvaneswari

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that he was initially appointed as Non-Muster Roll [MNR] worker on daily wage basis in the services of the erstwhile Salem Municipality and now Salem City Municipal Corporation and his name was sponsored by the District Employment Exchange during October 1986 and he was also subjected to selection process in the form of interview by the Commissioner of Salem Municipality. The petitioner would further state that he is serving right from the year 1987 onwards on daily wage basis and in order to regularise the services of daily wage employees, G.O.Ms.No.125, Municipal Administration and water Supply Department dated 27.05.1999 was issued, which stipulate, among other things, that the workers who were working on daily wage basis as on 01.10.1996, should first be appointed on consolidated monthly pay of Rs.2000/- for one year at the first instance on the basis of their seniority and thereafter, they should be brought to regular time scale of pay in Entry Level posts, as and when vacancies arise, depending upon their qualification. The commissioner of Salem City Municipal Corporation appointed the petitioner as an unskilled worker on consolidated pay of Rs.2000/- in terms of G.O.Ms.No.125 dated 27.05.1999 and subsequently, the services were extended for one more year on consolidated wage basis. The grievance now expressed by the petitioner is that though more than 6 years had lapsed from the date of his appointment on consolidated pay basis on the basis of G.O.Ms.No.125 dated 27.05.1999, his services are yet to be regularised and in this regard, the petitioner has submitted a representation dated 09.07.2015 and since no orders have been passed, he came forward to file this writ petition.

3. Learned counsel for the petitioner would submit that the services of the persons were ordered to be regularised vide order dated 08.09.2011 made in WP [MD] No.4068/2009 and the common order dated 03.07.2012 made in WP.Nos.15255 to 15258/2009 and WP.No.6729/2012 and hence, prays for appropriate orders.

4. This Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice for the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned counsel who accepts notice for the 3rd respondent.

5. Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 09.07.2015 on merits and in accordance with law after taking note of the common order dated 03.07.2012 made in WP.Nos.15255 to 15258/2009 and WP.No.6729/2012 and pass orders

within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and water supply Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Salem City Municipal Corporation,
Salem.

1 CC to Mr.M.Ravi, Advocate SR.No. 53516

1 CC to Mrs.K.Bhuvaneswari, Advocate SR.No. 52655

1 CC to the Government Pleader, SR.No. 52962

W.P.No.30626/2015

RV (CO)

PSI (12.10.2015)

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