

THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30879/2015

- 1.A.Subashsunder
- 2.P.Ravichandran
- 3.K.A.Balakrishnan
- 4.G.Dhanaseelan
- 5.M.Sureshkumar
- 6.R.Rahda
- 7.R.Madhu
- 8.C.Sridharan
- 9.N.Ramesh
- 10.S.R.Rajeshkannan
- 11.S.Srinivasan
- 12.G.Sivakumar

..Petitioners

Versus

- 1.The Secretary to Government
Municipal Administration & Water
Supply Department, Fort St George
Chennai 600009.
- 2.The Commissioner of Municipal
Administration & Water
Supply Department, 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 directing the respondents to pass orders on the proposal forwarded by the 3rd respondent in Na.Ka.No.C3/1423/2010 dated 02.02.2010 and subsequent proposal in Na.Ka.No.C3/17532/2013 dated 17.07.2013 and to bring the petitioners into regular establishment in the post of Technical Assistant with all consequential benefits in the light of the orders passed in G.O.Ms.No.46, Municipal Administration & Water Supply Department, dated 24.03.2008 in respect of Chennai Corporation within a time frame to be fixed by this Court.

For Petitioners: Mr.R.N.Amarnath

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 petitioners claim that they have the qualification in Diploma in Civil Engineering as well as Bachelor of Engineering and were appointed as Technical Assistants in the services of the 3rd respondent on daily wages between the year 1990 and 1991. In terms of G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, they have been brought into regular establishment by giving regular time scale of pay in the post of unskilled Assistant instead of Technical Assistant with effect from 01.06.2006 as per G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006. The Salem City Municipal Corporation, taking into consideration, the nature and length of service put up by the petitioners, has also passed a Resolution bearing No.260 dated 29.08.2008 to appoint them in the post of Technical Assistant on regular basis and a proposal was also forwarded to the 2nd respondent vide proceedings dated 02.02.2010 made in Na.Ka.No.C3/1423/2010. It is the specific stand of the petitioners that similar proposal forwarded by the Chennai Corporation, was favourably considered and it also issued an order in G.O.ms.No.46, Municipal Administration and Water Supply Department, dated 24.03.2008, in and by which, 48 Technical Assistants employed as NMR employees, were given regular appointment to the post of Technical Assistants. So, the 3rd respondent has once again forwarded similar and another proposal on 17.07.2013 for creation of 77 posts of Technical Assistants by referring to the workload and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Heard the learned counsel for the petitioners and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned counsel who accepts notice on behalf of the 3rd respondent.

4 Though the petitioners have 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 1st respondent to act on the proposals dated 02.02.2010 and 17.07.2013 and 12.11.2014 passed by the 3rd respondent and pass orders on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the 3rd respondent herein.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Municipal Administration & Water
Supply Department, Fort St George
Chennai 600009.

2.The Commissioner of Municipal Administration & Water
Supply Department, Chepauk, Chennai 600 005.

3.The Commissioner
Salem City Municipal Corporation
Salem.

+1cc to M/s. K. Bhuvaneswari, Advocate, S.R.No.53159

+1cc to Mr.R. N. Amarnath, Advocate, S.R.No.53502

+1cc to the Government Pleader, S.R.No.53365

AK(CO)

EU(07/10/2015)

W.P.No.30879/2015



WEB COPY