

In the High Court of Judicature at Madras

Dated: 07.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31730 of 2015

1. D.Munusamy
2. M.Kamaraj
3. Sekar

..... Petitioners

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Municipal and Local Administration Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Municipality,
Municipal and Local Administration
Chepauk, Chennai - 600 005.
3. The Commissioner,
Kancheepuram Municipality,
Kancheepuram District.

..... Respondents

PETITION under Article 226 of The Constitution of India
praying for issuance of Writ of Mandamus to direct the
respondents to regularize the petitioners services as Gang
Masdoors from the date of appointment.

For Petitioner : Mr.G.Mutharasu

For Respondents: Mr.V.Subbiah, Spl.G.P. - R1 and R2
Mr.G.B.Rajesh - R3

O R D E R

By consent, the Writ Petition itself is taken up for final
disposal.

2. The petitioners would state that they are all employed
as Gang Masdoors on Nominal Muster Roll basis (NMR) from August
1984 under the services of the third respondent. Their duties
and responsibilities include maintenance of sewerage farms,
fencing and in charge of the cultivates of grass and casuarinas
and all of a sudden, without any notice, they were terminated
from service in the year 1989 by the third respondent.

Aggrieved by the same, they raised Industrial Disputes in I.D.Nos.132, 133 and 134 of 1997 before the Principal Labour Court, Chennai. The Principal Labour Court, passed an award setting aside the order and issuing further direction to the third respondent to reinstate the petitioners along with backwages, continuity of service and all other benefits. Aggrieved by the same, the Official respondent has filed W.P.Nos.25536 to 25540 of 2005 before this Court and this Court by order dated 23.3.2006 dismissed the Writ Petitions, thereby confirmed the award passed by the Principal Labour Court, Chennai. Thereafter, the petitioners were reinstated into service in the year 2010 by the third respondent. The Writ Appeals in W.A.Nos.1718 to 1722 of 2011 filed by the third respondent as against the order passed in the Writ Petitions were also dismissed by this Court on 19.01.2012.

3. The grievance now expressed by the petitioners is that they have worked for nearly 30 years of service and are yet to be regularized. In this regard, the petitioners have submitted individual representations dated 10.2.2015 to the respondents. Since no orders have been passed, they have filed the present Writ Petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2 and Mr.G.B.Rajesh, learned Standing Counsel, who accepts notice on behalf of the third respondent.

5. This Court, in the light of the above facts and circumstances, directs the third respondent to consider the representation of the petitioners dated 10.2.2015 after taking note of the award passed by the Principal Labour Court, Chennai in I.D.Nos.132, 133 and 134 of 1997 and as confirmed in W.P.Nos.25536 to 25540 of 2005 as well as in W.A.Nos.1718 to 1722 of 2011 and pass orders on merits and in accordance with law and forward the necessary proposal to the first respondent through the second respondent within a period of eight weeks from the date of receipt of a copy of this order. The first respondent on receipt of the said proposal, pass orders on merits and in accordance with law within a period ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

The Writ Petition is disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Municipal and Local Administration Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Municipality,
Municipal and Local Administration
Chepauk, Chennai - 600 005.
3. The Commissioner,
Kancheepuram Municipality,
Kancheepuram District.

+1 cc to Mr.G.B.Rajesh,Advocate(sr.54515)
+1 cc to Mr.G.Mutharasu,Advocate(sr.54653)
+1 cc to The Government Pleader(sr.54723)

सत्यमेव जयते

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SK(co)
cp 19/10/2015

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