

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32578 of 2015

1.C.S.Rajesh Venugopal
2.S.Jeevaraj
3.R.Deepa
4.G.Revathi
5.P.Raj babu
6.C.Nagarajan
7.Vetri Vadivel
8.A.Renuka Devi
9.L.Jeyaraj

... Petitioners

Vs.

1 The Secretary to Government of
Tamil Nadu Municipal Administration and
Water Supply Department, Fort St. George,
Chennai - 600 009.
2 The Director of Municipal
Administration, Chepauk, Chennai.
3 The Commissioner,
Coimbatore Corporation,
Coimbatore.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to approve the proposal for creation of additional posts in the Engineering Wing of the 3rd respondent Corporation so as to accommodate the petitioners in light of the Corporation Council Resolution dated 30.12.2013 and the letter issued by the 2nd respondent dated 26.3.2014.

For Petitioners : Mr.V.Vijay Shankar

For Respondents : Mr.R.Vijayakumar for R1 and R2
Additional Government Pleader
Mr.K.Mahesh for R3

O R D E R

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

2. The petitioners herein claim that they were sponsored by the District Employment Exchange, Coimbatore and also attended interview and on being successful, the petitioners 1 and 2 were appointed as Draughtsman and petitioners 3 to 9 were appointed as Technical Assistant and right from the date of appointment, they claim to have been discharging their duties without any blemish whatsoever and to the utmost satisfaction of the superior officers and their service particulars as follows:

Name/ Date of joining	Age	Post held by them	Pay Scale
1.C.S.Rajesh Venugopal (25.1.2008)	38	Draughtsman (Currently holding post of Junior Engineer (i/c))	PD-2 9300- 34800+GP 4400

Name/ Date of joining	Age	Post held by them	Pay Scale
2.S.Jeevaraj (28.1.2008)	49	Draughtsman (Currently holding post of Junior Engineer (i/c))	-do-
3.R.Deepa (5.3.2008)	38	Technical Assistant	PB-2 9300-34800 + GP 4200
4.L.Jeyaraj (1.3.2008)	50	-do-	-do-
5.G.Revathi (28.2.2011)	44	-do-	-do-
6.P.Raj babu (28.2.2011)	45	-do-	-do-
7.C.Nagarajan (28.2.2011)	46	-do-	-do-
8.S.Vetri Vadivel (28.2.2011)	47	-do-	-do-
9.A.Renuka Devi (28.2.2011)	49	-do-	-do-

It is also the claim of the petitioners that they have been treated as regular employees for all purposes and underwent a selection process and time scale of pay have been given so also all other service benefits including statutory and other deductions.

3. It is further stated by the petitioners that in the year 2011, a seniority list of persons working under the third respondent was published and the names of the petitioners did not find place. The petitioners therefore, approached the respondent to include their names and they were informed that once their probation is declared their names would be included. The third respondent has also took up their case and

passed a resolution on 30.12.2013. The Coimbatore City Municipal Corporation on a meeting held on 30.12.2013 has also made a positive recommendation for regularisation and the third respondent has also sent a communication to the second respondent in that regard and the second respondent vide letter dated 26.03.2014 has informed the third respondent that the matter is pending consideration before the first respondent and as and when the orders are received, further action would be taken.

4. The grievance expressed by the petitioners is that inspite of the positive recommendation made by the Coimbatore City Municipal Corporation which was also forwarded by the second respondent to the first respondent, no orders have been passed by the first respondent and hence, came forward to file this writ petition.

5. Heard the submissions of Mr.V.Vijay Shankar, learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.K.Mahesh, learned counsel who accepts notice on behalf of the third respondent.

6. Though the petitioners prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioners representation dated 26.06.2015 on merits and in accordance with law and after taking note of the resolution passed by the Coimbatore City Municipal Corporation dated 30.12.2013 as well as the communication of the second respondent dated 26.03.2014 addressed to the third respondent 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.

7. The writ petition is disposed of accordingly. No costs.
Pri

Sd/-
सत्यमेव जयते

Assistant Registrar (Judicial)

/True Copy/

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Sub-Assistant Registrar

To

1 The Secretary to Government of
Tamil Nadu Municipal Administration and
Water Supply Department, Fort St. George,
Chennai - 600 009.

2 The Director of Municipal
Administration, Chepauk, Chennai.

3 The Commissioner,
Coimbatore Corporation,
Coimbatore.

+1 C.C. To MR.V.Vijay Shankar, Advocate in SR.NO.56489

+1 C.C. To MR.K.Magesh, Advocate in SR.NO.56061

W.P.No.32578 of 2015

AD(CO)

sd : 29/10/2015



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