

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35969 OF 2015

and

M.P.No.1 of 2015

1 G.Venkatesan
2 S.Kothandan
3 S.Saravanan
4 M.Sankaran
5 J.Ramesh
6 M.Velu ...Petitioners

Vs

1 The Commissioner of
Municipal Administration
Chepauk, Chennai - 600 005.
2 The Commissioner
Tiruttani Municipality,
Tiruttani. ...Respondents

Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents to consider the petitioners for regular appointment to the post of Sanitary Worker in the sanctioned post available in the 2nd respondent Municipality before resorting to fill up the post by direct recruitment based on notification issued by the 2nd respondent through paper advertisement in Na.Ka.No.87/2014/C1 dated 05.03.2015.

For Petitioners: Mr.G.Sankaran
For Respondent : Mr.S.Gunasekaran
No.1 Government Advocate

For Respondent : Mr.P.Srinivas
No.2

ORDER

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

2. The claim of the petitioners is that they were engaged as NMR in Water Supply Section of Tiruttani Town Panchayat now upgraded as Tiruttani Municipality from the year 1996 onwards continuously. They were engaged as Electric Motor Operator of Deep Bore Wells and they were granted a sum of Rs.270/- per month during the year 1998 and it has been increased to Rs.500/- per month from the year 2004 and subsequently with effect from 01.01.2009, it has been increased to 750/- per month. The petitioners would further state that on account of long period of service, they sought for regularization and in this regard, submitted representations dated 24.08.2010 and since no orders have been passed, they came forward to file this writ petition.

3. The learned counsel appearing for the petitioners has invited the attention of this Court to the resolution of the local body dated 22.02.2011 and would submit that as per local body resolution, recommendation has been made to regularize their services and in spite of it, no orders have been passed and hence, the petitioners are constrained to file this writ petition.

4. When the writ petition was listed on 05.11.2015, this Court has granted interim order directing the respondents to maintain status quo with regard to the service of the petitioners and the said interim order has been extended periodically from time to time.

5. Learned counsel appearing for the petitioners would submit that since the petitioners were in employment for more than 10 years, they are entitled to be regularized before considering the claim of the Direct Recruits from the post of Sanitary Workers and prays for appropriate orders.

6. Per contra, Mr.S.Gunasekaran, the learned Government Advocate appearing for the 1st respondent submits that the petitioners, as a matter of right, cannot claim regularization; however, long period of service is put in and unless and until, the 1st respondent sanctions the said post and pass an order for regularization, the petitioners in this writ petition are not entitled to get regularization.

7. This Court has carefully considered the rival submissions and also perused the materials placed before this Court.

8. Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit one more representation to respondents 1 and 2 by enclosing a copy of this order as well as the copy of the earlier representation within a period of two weeks from the date of receipt of a copy of this order and the

respondents, on receipt of the same, are directed to consider the said representation on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioners and till then, Status Quo as ordered by this Court on 05.11.2015 shall be maintained in so far as the posts of Sanitary Workers are concerned.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sms

To

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

2 The Commissioner
Tiruttani Municipality,
Tiruttani.

+ 1 cc to Mr.P. Srinivas, Advocate sr.68015
+ 1 cc to Mr.G. Sankaran, Advocate SR.68667
+ 1 cc to Government Pleader Sr.68295

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MG(CO)
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