

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.9091 to 9093 of 2015
and
M.P.Nos.1,1,1,2,2 and 2 of 2015

M.Kanniyappan ... Petitioner in W.P.No.9091/2015
S.Udhyaprakash ... Petitioner in W.P.No.9092/2015
S.Munusamy ... Petitioner in W.P.No.9093/2015

-Vs-

1. The Commissioner of Municipal Administration,
Chepauk,
Chennai. - 600 005.
2. The Commissioner,
Tiruttani Municipality,
Tiruttani.
Thiruvallur District. ... Respondents in all W.Ps'.

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forberaing the respondents to consider the petitioner 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 Respondents : Mr.V.Subbiah,
(In all W.Ps') Special Govt. Pleader for R1
Mr.P.Srinivas for R2

COMMON ORDER

By consent, all the Writ Petitions are taken up for final disposal.

2. The claim of the petitioners is that they are working as Temporary Motor Operators of Deep Bore Wells/Nominal Muster Roll ever since from 1998 and they were granted initially a sum of Rs.270/- per month and from the year 2004, it has been increased to Rs.500/- per month and subsequently with effect from 01.01.2009, it has been increased to 750/- per month. The petitioners would further state that they are working without any holiday for nearly 8 to 12 house per day. On account of long period of service, they sought for regularization and in this regard, also submitted representations dated 24.08.2010 and since no orders have been passed, they came forward to file these writ petitions.

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 these writ petitions.

4. When the writ petitions were listed on 30.03.2015, this Court has ordered notice of motion and also 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. The local body has filed M.P.Nos.2 to 2 of 2010 for vacating the interim orders contending among other things that as of now there are 32 Sanitary Workers are working and as per norms, 139 number of Sanitary Workers are required and 24 Sanitary Workers posts are vacant and on account of the fact that Thirutani is a place where pilgrims come and visit the Murugan Temple and their services are permanently required and on account of the interim order, they are unable to fill up the posts and hence, prays for vacating the interim orders.

6. 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.

7. Per contra, Mr.V.Subbiah, the learned Special Government Pleader appearing for the 1st respondent submits that the petitioner, 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 these writ petitions are not entitled to get regularization.

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

9. 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 30.03.2015 shall be maintained in so far as three posts of Sanitary Workers are concerned.

These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

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सत्यमेव जयते
Sub Assistant Registrar

vsm

To

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

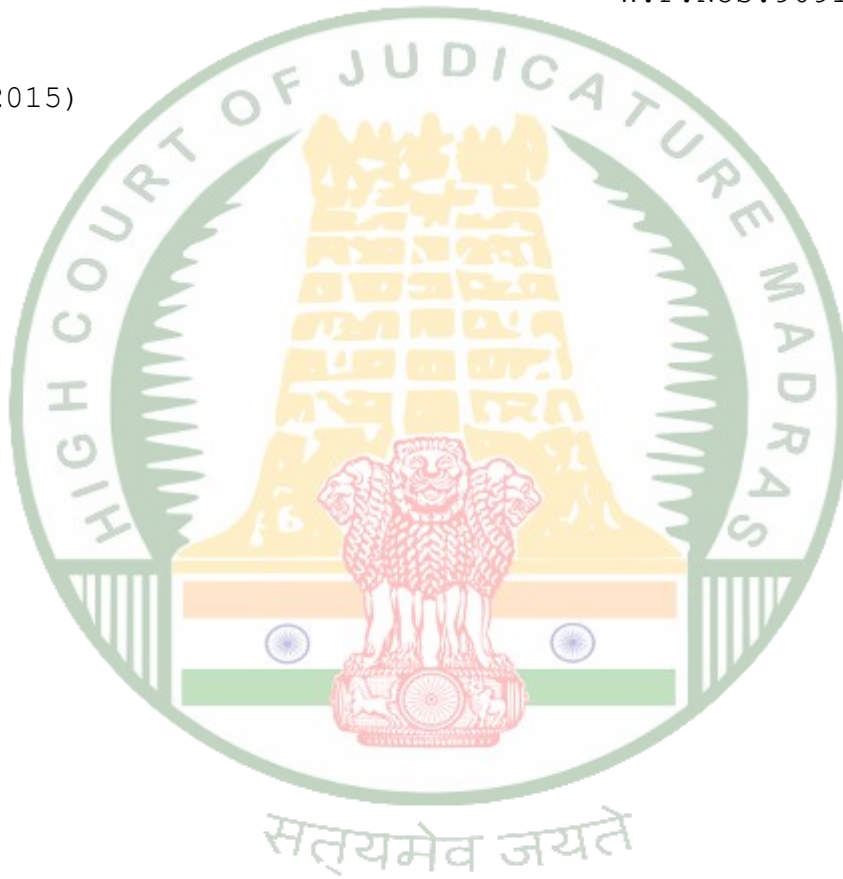
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2. The Commissioner,
Tiruttani Municipality,
Tiruttani.
Thiruvallur District.

+1cc to Mr.P.Srinivas, Advocate, S.R.No.51575
+3cc's to M/s.G.Sankaran, Advocate, S.R.No.51930
+1cc to the Government Pleader, S.R.No.51539

W.P.Nos.9091 to 9093 of 2015

ALA(CO)
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