

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.25451 of 2013
and
M.P.No.1 of 2013

1.R.Nithiyanandam
2.P.Velmurugan
3.S.Ramesh
4.J.Pitchai
5.P.Mahendran
6.G.Siva
7.K.Pitchaimuthu
8.T.Saravanan

... Petitioners

Vs.

1. The Secretary to Government,
Municipal Administration & Water Supply
Department (TP-1),
Fort St. George,
Chennai-600 009.
2. The Commissioner for Municipal Administration,
Chepauk,
Chennai-600 005.
3. The Commissioner,
Vellore Corporation,
Vellore District.

... Respondents

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st and 2nd respondents to regularize the services of the petitioners in the category of sweepers from the date of their initial appointment with all attendant service and monetary benefits.

For petitioners : Mr.P.I.Thirumoorthy
For Respondents : Mr.P.S.Sivashanmugasundaram,
Spl.G.P for RR1 and 2
Ms.P.Shanthi for R-3

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioners are stated to be full time Sweepers (Sanitary Workers) in the third respondent Corporation. According to the petitioners, the petitioners were appointed by the then competent authority, namely Kangeyanallur Village Panchayat on various dates, i.e., 1st March, 2008, 1st June, 2010 and 26th March, 2003 and have been discharging duty as sweepers on full time basis. On merger of the said village panchayat with the third respondent, the petitioners continue to work on consolidated pay of Rs.1270/- per month.

2. According to the learned counsel for the petitioners, since the petitioners have been working for more number of years, their services are to be regularised. In other departments, the persons, who have completed five years of serviceS, have been granted regular time scale of pay and as such, the petitioners are entitled for the grant of regularisation.

3. The learned counsel for the third respondent submits that the relief sought for by the petitioners cannot be considered by the third respondent. As per G.O.Ms.No.118, Municipal Administration and Water Supply Department dated 19th December, 2012, status quo in respect of 128 consolidated pay workers / daily wage workers, who are working in the merged local bodies as consolidated pay workers and daily wage workers, was ordered to be maintained as they have not been employed under any service rules. Further, the petitioners may not be regularised as per G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28th February, 2006. However, a direction may be issued to the Government to consider the case of petitioners, who have completed 10 years of service, for regularisation as per G.O.Ms.No.22, dated 28th February, 2006.

4. Considering the submissions made by the learned counsel for the parties, this court is of the considered view that a direction may be issued to the Government to consider the case of the petitioners. Accordingly, the respondents are directed to consider

the case of the petitioners on their own merit and as per G.O.Ms.No.22, dated 28th February, 2006. In the event, they are found entitled to the benefits under the said G.O., the same may be granted to them. The above exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order. 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

vvk

To

1. The Secretary to Government,
Municipal Administration & Water Supply
Department (TP-1),
Fort St. George,
Chennai-600 009.
2. The Commissioner for Municipal Administration,
Chepauk,
Chennai-600 005.
3. The Commissioner,
Vellore Corporation,
Vellore District.

+1cc to M/s.P.I.Thirumoorthy, Advocate, S.R.No.52157
+1cc to M/s.P.Shanthi, Advocate, S.R.No.52155

W.P. No.25451 of 2013

KSJ(CO)
CA(05/10/2015)

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