



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.03.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.19242 of 2015

and

M.P(MD)Nos.2 to 4 of 2015

- 1.K.T.Durai Kannan
- 2.K.Ganeshan
- 3.S.Murugan
- 4.A.Shanmugam
- 5.K.Balamurugan
- 6.S.Babu
- 7.V.Loganathan
- 8.L.Muthukannan
- 9.R.Pandi
- 10.L.Veerapandia Sekaran
- 11.C.Prabhakaran
- 12.G.Kannan
- 13.R.Saravanan
- 14.S.Murugan
- 15.J.Babu Jhon
- 16.A.Subramanian
- 17.N.Krishna Moorthy
- 18.S.G.Dasthagir Basha
- 19.M.Karuppiah
- 20.M.Ravichandran
- 21.A.Gunasekaran
- 22.K.Suresh Ramanathan

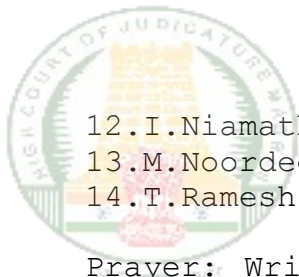
... Petitioners

Vs.

1.The State of Tamilnadu,
Represented by its Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600009.

2.The Commissioner,
Corporation of Madurai,
Madurai.

- 3.V.Kannan
- 4.M.Syed Mohammed Shajule
- 5.G.Balasubramanian
- 6.D.Irulappan
- 7.C.D.Rajaganesh
- 8.P.N.Kumar Babu
- 9.I.Murugesan
- 10.K.Murugesan
- 11.A.Raja



12.I.Niamath Basha
13.M.Noordeen Shajule
14.T.Ramesh Babu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to quash the impugned proceedings of the second respondent in Ma.Ni 17(Ma.Ni.26).028708/2014, dated 30.09.2015 and consequently direct the second respondent to promote these petitioners 1 to 22 to the Posts of Wireman/helper with all monetary and attendant benefits, above the seniority to the respondents 3 to 14, who are juniors to the petitioners 1 to 22.

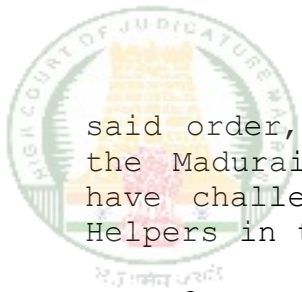
For Petitioner	: Mr.N.Mohideen Basha
For R-1	: Mr.G.Muthukannan, Government Advocate
For R-2	: Mr.R.Murali
For R-3 to R-14	: No Appearance

ORDER

This Writ Petition is filed by the twenty two petitioners, who are having common grievance. Their challenge is to the proceedings of the second respondent, dated 13.09.2015.

2. The brief facts of the case of the petitioners are as follows:

The petitioners as well as the respondents 3 to 14 were appointed as N.M.Rs in the Madurai Corporation, who are dealing with the works relating to maintenance of street lights. Their appointments happened between 1992 and 1994. On 29.11.2002, an order was passed in W.P.No.10337 fo 1997 directing the State Government to consider the resolution of Madurai Corporation relating to appointment of 25 employees including the respondents 3 to 14 herein on daily basis. As no order was passed, Contempt Petition is filed in Cont.P.No.423 of 2004 and the same was disposed of with the observation that a fresh proposal may be sent by the Commissioner, Madurai Corporation to the second respondent, which would be considered by the Secretary, Municipal Administration and Water Supply Department, the first respondent herein, keeping in view the observation of the Court in W.P.No.10337 of 1997, dated 24.04.2003. Thereafter, the first respondent had passed an order, dated 10.09.2007 regularizing 17 employees including the respondents 3 to 14 herein as unskilled labourers and two employees as wireman and two employees as Helper, based on their educational qualification. In consequent to the order of the first respondent, the second respondent Corporation appointed the respondents 3 to 14 as unskilled labourers in the Corporation. Aggrieved by the said order, the respondents 3 to 14 have filed W.P(MD)No.1821 of 2009. The said Writ Petition was allowed on 22.08.2014 by setting aside the order passed by the first respondent, dated 10.09.2007 and the consequential order passed by the second respondent Corporation. While allowing the said Writ Petition, a specific direction was given to the respondents to regularize the services of the respondents 3 to 14 herein in the Post of Wireman/Helper in the Madurai Corporation. A Writ Appeal was filed by the Corporation in W.A(MD)No.1393 of 2014 which was dismissed confirming the order passed in W.P(MD)No.1821 of 2009, dated 22.08.2014. Based on the



said order, the respondents 3 to 14 herein were appointed as Helpers in the Madurai Municipal Corporation on 30.09.2015. The petitioners herein have challenged the said order appointing the respondents 3 to 14 as Helpers in the Madurai Municipal Corporation.

3. Heard the submissions made on either side and perused the materials available on record.

4. From the above facts, one could understand that the petitioners did not point out the fact that the respondents 3 to 14 were also N.M.Rs like them and they had filed Writ Petition for getting their services regularized by the respondents 1 and 2. Similarly, the petitioners also have to get their services regularized first by the respondents 1 and 2. Therefore, the petitioners can seek only a direction to get their services regularized rather challenging the regularization of service of the respondents 3 to 14.

5. When this is pointed out to the learned counsel appearing for the petitioners, he seeks permission of this Court to withdraw the Writ Petition and he only sought for liberty to file a fresh writ petition relating to the regularization of appointment of the petitioners by the first and second respondents or to make a request to the first and second respondent to extend the benefits given to the respondents 3 to 14 as granted in W.P(MD)No.1821 of 2009.

6. In view of the above facts, the Writ Petition is dismissed as withdrawn with liberty to file a fresh Writ Petition to get their services regularized by making a request to the respondents 1 and 2. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(R)

/True Copy/

Sub Assistant Registrar.

To

1.The Secretary,
State of Tamilnadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600009.

2.The Commissioner,
Corporation of Madurai,
Madurai.

+1CC to Mr.R.Murali, Advocate, SR.No. 12605

+1CC to Mr.B.Saravanan, Advocate, SR.No. 12193

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