

IN THE HIGH COURT OF JUDICATURE AT MADRAS

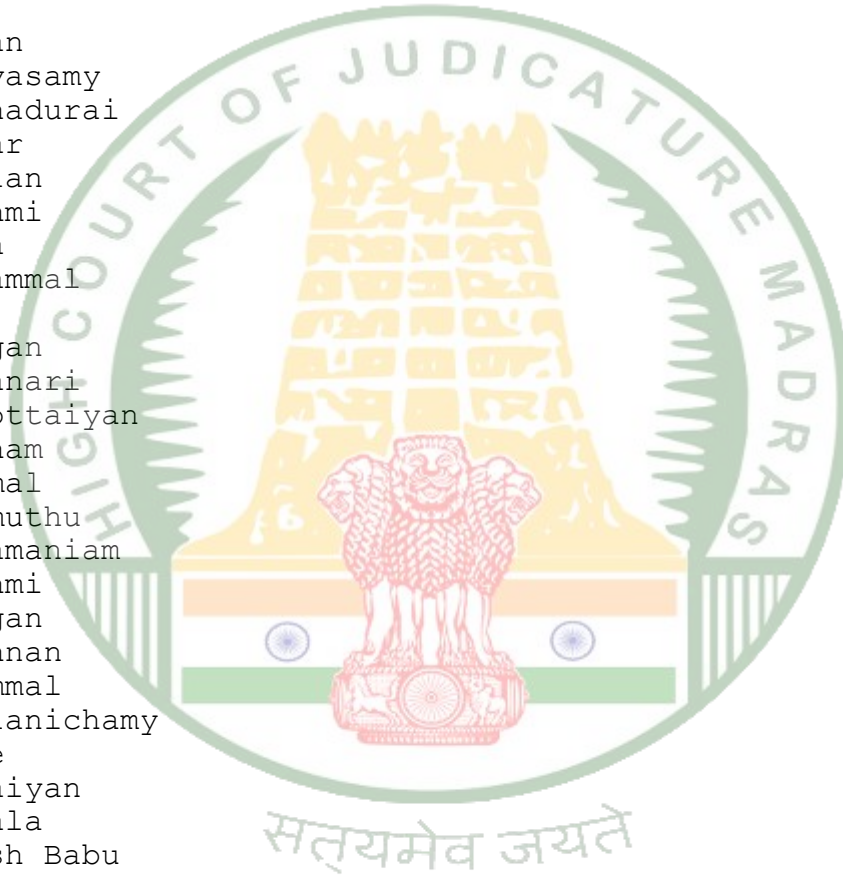
DATED 31.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.6441 of 2014
& M.P.No.1 of 2014

1. P.Kannan
2. M.Periyasamy
3. S.Chinnadurai
4. K.Sankar
5. K.Pandian
6. N.Lakshmi
7. D.Latha
8. Govindammal
9. P.Rani
10. N.Murugan
11. R.Arthanari
12. N.Sengottaiyan
13. Parvatham
14. K.Perumal
15. P.Marumuthu
16. K.Subramaniam
17. P.Lakshmi
18. R.Murugan
19. S.Krishnan
20. M.Nagammal
21. S.N.Palanichamy
22. Pavayee
23. P.Mathaiyan
24. B.Nirmala
25. S.Suresh Babu
26. S.Rajammal
27. B.Mangalam
28. Vasantha
29. T.Kalaiarasan
30. S.Parameswaran
31. D.Santhi
32. B.Tamilselvi
33. P.Prabhu
34. K.Arjunan
35. R.Dhanakodi
36. C.Murugan
37. P.Senthilkumar
38. N.Madhu
39. Thirukumaresan



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e Writ Petition is filed under Article
of India, seeking for a Writ of Co
lling for the records in Na.Ka.No.4042
issued by the 3rd respondent and qu
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he services of the petitioners by bring
of pay with effect from 2001 as pr
Municipal Administration and W
dated 05.05.1998 with all consequ
enefits.

Petitioners : Mr.S.Saravana Kumar
Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

- Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.4042/01/H1 dated 01.03.2006 issued by the 3rd respondent and quash the same insofar as it regularize the services of the petitioners prospectively and consequently direct the respondents to regularize the services of the petitioners by bringing them on time scale of pay with effect from 2001 as provided under G.O.Ms.No.71 Municipal Administration and Water Supply Department dated 05.05.1998 with all consequential and attendant benefits.

ORDER

"Issue Writ of Certiorarified Mandamus, calling for the records in Na.Ka.No.4042/01/H1 dated 01.03.2006 issued by the 3rd respondent and quash the same insofar as it regularize the services of the petitioners prospectively and consequently direct the respondents to regularize the services of the petitioners by bringing them on time scale of pay with effect from 2001 as provided under G.O.Ms.No.71 Municipal Administration and Water Supply Department dated 05.05.1998 with all consequential and attendant benefits."

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioners case is that they were all appointed as Sanitary Workers in the Tiruchengode Municipality, now upgraded as Corporation. They were originally appointed on 01.07.1998 in consolidated pay. The Government has issued G.O.Ms.No.71, Municipal Administration and Water Supply Department, dated 05.05.1998 proposing to regularise the service of the petitioners herein, on completion of 3 years of service in consolidated pay.

4. According to the petitioners the said G.O., clearly stipulates for regularisation of the employees like the petitioners herein. However, no steps were initiated for regularising their services on completion of three years i.e, on 2001.

5. While so, the 3rd respondent's proceedings dated 01.03.2006, brought the petitioners on a regular scale of pay with effect from the year 2001, but the regularisation was effected with effect from the date 27.02.2006. This according to the petitioner is contrary to the G.O.Ms.No.71, dated 05.05.1998, which provides for regularisation of Sanitary Workers on the completion of 3 years service on consolidated pay.

6. In the said circumstances, the petitioners are before this Court to quash the order dated 01.03.2006 passed by the 3rd respondent insofar as the regularisation of the petitioners prospectively. This Court allowed a similar claim filed by the identically placed employees, wherein similar orders were issued and quashed by this Court. The said claims were allowed on the basis of G.O.Ms.No.71, dated 05.05.1998. The learned counsel would further submit that the order passed by the single Judge in the writ petition has been upheld in the appeal.

7. The learned counsel would specifically draw attention of this Court in the order passed by the learned Judge dated 11.10.2013 in W.P.Nos.33746 and 34083 of 2012 as the said orders passed by this Court have been upheld by the Division Bench of this Court. The learned counsel for the petitioners would further contend that the claim of the petitioners falls within the scope of the G.O.Ms.No.71, Municipal Administration and Water Supply Department, dated 05.05.1998 and covered by the direction issued by the Court in the above said writ proceedings.

8. Upon notice, Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the respondents and filed counter and he submitted that there is already a direction issued by this Court in the subject matter. Though he opposed for grant of any relief to the petitioners, however, in view of the claim being fully covered by the G.O.Ms.No.71, Municipal Administration and Water Supply

Department, dated 05.05.1998 and the direction issued by this Court in the above cited decision, this Court has no hesitation in allowing this writ petition as prayed for.

9. In the above circumstances, the impugned order in Na.Ka.No.4042/01/H1 dated 01.03.2006 issued by the 3rd respondent is set aside, insofar as it regularized the services of the petitioners prospectively from 27.02.2006. While setting aside the order, this Court directs the respondents to regularise the service of the petitioners with effect from the date the petitioners' completion of 3 years service as Sanitary Workers in consolidated wages with all consequential and attendant benefits and the said exercise shall be completed by the respondents within three months from the date of receipt of a copy of this order.

10. With the above directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

pvs

To

- 1.The Secretary to Government
The Govt. of Tamil Nadu
Municipal Administration and Water Supplies
Department, Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Municipal Administration
Chepauk, Chennai-600 005.
- 3.The Commissioner
Tiruchengode Municipality
Tiruchengode,
Namakkal District.

+40 Ccs to Ms. S. Saravanakumar, advocate sr 55082.
+1 CC to Govt. Pleader sr 54596.

W.P.No.6441 of 2014
& M.P.No.1 of 2014

RSK(CO)
sp(10/08/2017)