

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12337, 14654 & 11837 of 2015
and M.P.No.1 of 2015 in WP.No.14654 of 2015

S.Mangala Mary .. Petitioner
(in WP.No.12337/2015)

Sowndhiram ..Petitioner
(in WP.No.14654/2015)

A.Nageswari ..Petitioner
(in WP.No.11837/2015)

Versus

1.The Secretary to Government,
Municipal Administration and
Water supply Department,
Secretariat, Chennai - 600 009.

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

3.The Commissioner,
Dindigul Corporation,
Main Road, Dindigul -624 001.

4.The Commissioner,
Palani Municipality,
Palani - 624 601.

...Respondents
(in WP.No.12337/2015)

1.The Secretary to Government,
Municipal Administration and
Water supply Department,
Secretariat, Chennai - 600 009.

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

3.The Project Officer,
Tamil Nadu Corporation for Development of Women Ltd.,
Dharmapuri.
Present Address
Project Officer,
Mahalir Thittam,
District Rural Development Agency,
II Floor, Collectorate, Dharmapuri - 636 705.

4.The Commissioner,
Pollachi Municipality,
Pollachi - 642 001.

5.The Commissioner,
Salem Corporation,
Salem - 636 007.

... Respondents
(in WP.No.14654/2015)

1.The Secretary to Government,
Municipal Administration and
Water supply Department,
Secretariat, Chennai - 600 009.

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

3.The Commissioner,
Thanjavur Corporation,
Gandhi Salai,
Thanjavur - 613 001.

4.The Commissioner,
Thiruvarur Municipality,
Thiruvarur - 610 001.

5.The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

6.The Commissioner,
Kumbakonam Municipality,
Kumbakonam - 612 001.

7.The Commissioner,
Mannarkudi Municipality,
(Opposite to GH),
Mannarkudi - 614 001.

8.The Commissioner,
Thiruthuraipoondi Municipality,
Thiruthuraipoondi - 614 713.

9.The Commissioner,
Nagapattinam Municipality,
(Velippalayam)
Nagapattinam - 611 001.

... Respondents
(in WP.No.11837 of 2015)

Prayer in W.P.No.12337 of 2015

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, to direct the respondents 1 and
2 herein to issue necessary orders for framing the service Rules and
regularizing the services of the petitioner from 15.3.1994 to 31.05.2010 (till
the retirement date 31.5.2010) so as to enable the petitioner to get the
Monetary Benefits, Pension, Pensionary Benefits etc., in accordance with law.

Prayer in W.P.No.14654/2015

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to issue necessary orders for framing the service Rules and regularizing the services of the petitioner from 02.09.1991 to 30.4.2012 (till the retirement date i.e. 30.4.2012) within the stipulated period as fixed by this Hon'ble Court so as to enable the petitioner to get the Monetary Benefits, Pension, Pensionary Benefits etc., in accordance with law.

Prayer in W.P.No.11837/2015

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to issue necessary orders for framing the service Rules and regularizing the services of the petitioner from 07.02.1989 to 30.06.2014 (till the retirement date i.e. 30.6.2014) within the stipulated period as fixed by this Hon'ble Court so as to enable the petitioner to get the Monetary Benefits, Pension, Pensionary Benefits etc., in accordance with law.

For Petitioners :Mrs.AL.Ganthimathi,
(in all the W.Ps)
For Respondents :Mr.S.Guna Sekaran,
Additional Government Pleader, For R1 & R2
(in all the W.Ps.)
Mr.V.Jaya Prakash Narayanan,
For R3 & R4(in WP.No.12337/2015),
For R3 (in WP.No.14654/2015) and
For R8 (in WP.No.11837/2015)

Mr.R.Lakshmi Narayanan, For R4
 (in WP.No.14654/2015)
 Mrs.K.Bhuvaneswari, For R5
 (in WP.No.14654/2015)
 Mr.S.Pakalavan, For R3
 (in WP.No.11837/2015)
 Mr.D.Suriyanarayanan, For R4, R5, R7 & R9
 (in WP.No.11837/2015)
 Mr.P.Srinivas, For R6 (in WP.No.11837/2015)

COMMON ORDER

The relief sought for in all these writ petitions are for a direction to the respondents 1 and 2 for framing service rules and regularizing the services in respect of the post of Community Organizers working in the Municipalities and Municipal Corporations except Corporation of Chennai and for consequential direction to regularize the services of the writ petitioners.

2. When the writ petitions are taken up for adjudication, the learned Additional Government Pleader appearing on behalf of the respondents submitted that already Government issued Ad-hoc rules governing the post of Community Organizers in G.O.(Ms)No.35, Municipal Administration and Water Supply (ME.1) Department, dated 16.2.2016. The said Ad-hoc rules issued in G.O.(Ms).No.35 was notified in the Tamil Nadu Government Gazette dated 16.2.2016.

3. On perusal of the notification, it is clear that the rules shall be

deemed to have come into force with effect from 08.02.1989. Thus, the rule was implemented with retrospective effect in order to extend the benefits to the holders of the post of Community Organizers working in Municipalities and Municipal Corporations.

4. In view of the rules issued in the G.O.(Ms).No.35, the respondents have to undertake the process of regularizing the service of all these writ petitioners. Accordingly, this Court is of the view that such exercise is to be done without any further delay, in view of the fact that the writ petitioners are working for long years without service benefits. Accordingly, the respondents are directed to take steps for regularization of the service of the writ petitioners and issue suitable orders based on merits, service records and based on the Ad-hoc rules issued as early as possible, in accord with law.

5. With these observations all the writ petitions stand disposed of. However, there is no order as to costs. Consequently connected miscellaneous petition is closed.

31.07.2017

Index: Yes/No
ms/kak

To

- 1.The Secretary to Government,
Municipal Administration and
Water supply Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
- 3.The Commissioner,
Dindigul Corporation,
Main Road, Dindigul -624 001.
- 4.The Commissioner,
Palani Municipality,
Palani - 624 601.
- 5.The Project Officer,
Tamil Nadu Corporation for Development of Women Ltd.,
Dharmapuri.
Present Address
Project Officer,
Mahalir Thittam,
District Rural Development Agency,
II Floor, Collectorate, Dharmapuri - 636 705.
- 6.The Commissioner,
Pollachi Municipality,
Pollachi - 642 001.
- 7.The Commissioner,
Salem Corporation,
Salem - 636 007.
- 8.The Commissioner,
Thanjavur Corporation,
Gandhi Salai,
Thanjavur - 613 001.

S.M.SUBRAMANIAM,J.
ms/kak

- 9.The Commissioner,
Thiruvarur Municipality,
Thiruvarur - 610 001.
- 10.The Commissioner,
Virudhunagar Municipality,
Virudhunagar.
- 11.The Commissioner,
Kumbakonam Municipality,
Kumbakonam - 612 001.
- 12.The Commissioner,
Mannarkudi Municipality,
(Opposite to GH),
Mannarkudi - 614 001.
- 13.The Commissioner,
Thiruthuraipoondi Municipality,
Thiruthuraipoondi - 614 713.
- 14.The Commissioner,
Nagapattinam Municipality,
(Velippalayam)
Nagapattinam - 611 001.



W.P.Nos.12337, 14654 & 11837 of 2015

WEB COPY