

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22934 of 2017

K.Sankar

.. Petitioner

Vs.

1. The Govt. of Tamil Nadu,
Rep.by the Secretary to Government,
Municipal Administration & Water Supply
Department,
Fort St.George, Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Park Town, Chennai - 600 003.

3. The Asst.Commissioner,
Zone - 7, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the petitioner is deemed to have been regularized in service with effect from 09/05/2002 onwards i.e. on completion of 1½ years of service in terms of G.O.Ms.No.71, Municipal Administration & Water Supply Department dated 05.05.1998 as has been held in the judgment of the Full Bench of this Hon'ble Court in Rev.App.(MD) No.87/2014 etc. batch dated 30.05.2017 and consequently direct the Respondents 2 and 3 issue appropriate order regularizing the services of the petitioner from 09/05/2002 with payment of difference in salary consequent upon such regularization within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.M.Perumal
Government Advocate
for R1
Mr.R.Arunmozhi
for R2 & R3

O R D E R

The relief sought for in this writ petition is for a declaration to declare that the petitioner is deemed to have regularized in service with effect from 09.05.2002 onwards i.e. on completion of 1½ years of service in terms of G.O.Ms.No.71, Municipal Administration & Water Supply Department dated 05.05.1998, as has been held in the judgment of the Full Bench of this Hon'ble Court in Rev.App.(MD) No.87/2014 etc. batch dated 30.05.2017 and consequently direct the Respondents 2 and 3 to issue appropriate order regularizing the services of the petitioner from 09.05.2002 with payment of difference in salary consequent upon such regularization within a time frame.

2. The petitioner was initially appointed in the respondent Municipality on a consolidated pay. Subsequently, the services of the writ petitioner were regularized by virtue of the Government orders. However, the regularization was granted prospectively. Therefore, the writ petition is filed seeking retrospective regularization in this regard.

3. The learned counsel appearing for the writ petitioner submitted that the issue has been elaborately adjudicated by the Full Bench of this Court and a Judgment was delivered on 30.05.2017 in Rev.Aplc.(MD) No.87 of 2014 in W.A.(MD) No.729 of 2013, Rev.Appl.No.223 of 2015 in W.P.(MD) No.1083 of 2012 and W.A.(MD) No.555 of 2010 and M.P.No.1 of 2015 and Rev.Appl.No.254 of 2015 in W.P.(MD) No.1083 of 2012 and M.P.No.1 of 2015. The Full Bench has considered all the points raised in these cases and the relevant portion of the said order is extracted hereunder:

"29. In the result, Rev.Aplc.No.87 of 2014 is dismissed and Rev.Appl.Nos.223 and 254 of 2015 are allowed on the following terms:

a) Persons employed as sanitary workers and covered by G.O.Ms.No.101 dated 30.04.1997 and G.O.Ms.No.71 dated 05.05.98 are entitled to be regularized after the completion of the respective period under consolidated pay as specified in the Government Orders from the date of their initial appointment.

b) Any orders passed by any Municipality regularizing the service based on G.O.Ms.No.21 dated 23.02.2006, Full Bench Judgment dated

29.11.2013 and G.O.Ms.No.166 dated 31.12.2014 shall be recalled and appropriate orders shall be passed as held above."

4. In view of the Hon'ble Full Bench Judgment, the writ petitioner is also entitled to get the benefit extended therein. Therefore, the respondents are directed to extend the benefit of the Full Bench Judgment cited supra and pass appropriate orders on verification of the service records of the writ petitioner and considering the other service qualifications as per the Rules and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
The Govt. of Tamil Nadu,
Municipal Administration & Water Supply
Department,
Fort St.George, Chennai - 600 009.

2. The Commissioner,
Greater Chennai Corporation,
Park Town, Chennai - 600 003.

3. The Asst.Commissioner,
Zone - 7, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.
+1cc to Mr.K.M.Ramesh, Advocate sr.65064
+1cc to Mr.R.Arunmozhi, Advocate sr.65110
+1cc to Government Pleader sr.65403

sr(co)
ss(3/10/2017)

W.P.No.22934 of 2017