

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2017

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

W.P.No.24590 of 2017

Smt.Uma

..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. Corporation of Greater Chennai,
Rep.by its Commissioner,
Park Town, Chennai - 600 003.

3. Assistant Commissioner,
Zone - 7, Corporation of Greater Chennai,
Ambattur, Chennai - 600 054.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the petitioner's husband late G.Bagaiya is deemed to have been regularized in service with effect from 12/11/2001 onwards i.e. on completion of 3 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's husband late G.Bagaiya from 12/11/2001 with payment of difference in salary consequent upon such regularization to date of his death within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.J.H.Iniyan
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's husband late G.Bagaiya is deemed to have regularized in service with effect from 12.11.2001 onwards i.e. on completion of 3 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's husband late G.Bagaiya from 12.11.2001 with payment of difference in salary consequent upon such regularization within a time frame.

2. The petitioner's husband late G.Bagaiya was initially appointed in the respondent Municipality on a consolidated pay. Subsequently, the services of the writ petitioner's husband 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.Apl.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.Apl.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.Apl.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's husband late G.Bagaiya 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's husband 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(CS III)

//True Copy//

Sub Assistant Registrar

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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,
Corporation of Greater Chennai,
Park Town, Chennai - 600 003.

3. The Assistant Commissioner,
Zone - 7, Corporation of Greater Chennai,
Ambattur, Chennai - 600 054.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.66765
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.66765
+1cc to Government Pleader SR.No.66399

W.P.No.24590 of 2017

VD(CO)
GN(23/10/2017)