

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM:

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.25039 of 2014

Mrs.Amul

... Petitioner

Vs.

- 1 .The Secretary to Government of Tamilnadu,
Municipal Administration and Water Supply Department,
Fort St'George, Chennai.
2. The Director of Town Panchayat,
Kuralagam, Chennai.
3. The Executive Officer,
Madampakkam Town Panchayat,
Chennai -73.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to regularize the services of the petitioner by bringing her on time scale of pay with effect from the dates of completion of 3 years of service viz., with effect from 20.11.2000 as provided under G.O.Ms.No.199, (MAWS Department) dated 12.08.1997 and in the light of the judgment passed by this Court in W.P.No.25620 of 2006 dated 17.09.2008 and W.A.No.47 of 2010 dated 23.06.2010 with all consequential and attendant benefits.

For Petitioner : Mr.N.Balamuralikrishnan

For R1 to R3 : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

Writ petition has been filed seeking for issuance of a Mandamus, to direct the respondents to regularize the services of the petitioner by bringing her in the time scale of pay with effect from the date of completion of 3 years of service viz., with effect from 20.11.2000 as provided under G.O.Ms.No.199,

(MAWS Department) dated 12.08.1997 and in the light of the judgment passed by this Court in W.P.No.25620 of 2006 dated 17.09.2008 and W.A.No.47 of 2010 dated 23.06.2010 with all consequential and attendant benefits.

2.The petitioner was appointed as Sanitary worker on 20.11.1997, in pursuance of G.O.Ms.No.199, MAWS Department, dated 12.08.1997. As per the said Government order, the persons would be initially appointed on a consolidated pay for a maximum period of three years and on completion of three years, they will be brought under regular time scale of pay. In the instant case, however, the petitioner was appointed on 20.11.1997 and having continuously worked for a period of 3 years as on 20.11.2000, she was not brought in the regular time scale as per the provisions of the above said Government Order.

3.According to the petitioner, she has been continued on consolidated pay from the year 1997 to till date. The petitioner submitted number of representations to the competent authority for bringing her under regular time scale on completion of three years on consolidated pay. According to the petitioner, a proposal was also sent by the third respondent for bringing her under regular time scale of pay on 07.01.2014. But ultimately, the same did not fructify and no order has been passed in favour of the petitioner. Therefore, the petitioner was constrained to approach this Court seeking for the relief as stated supra.

4.Mr.N.Balamuralikrishnan, learned counsel for the petitioner would submit that as per G.O.Ms.No.199, MAWS Department, dated 12.08.1997, several similarly placed employees were brought under regular time scale, but the petitioner alone was left out depriving the benefits under the said Government Order. In fact, the learned counsel drew the attention of this Court to the order passed by this court in W.P.No.25620 of 2006 dated 17.09.2008, in and by which, this Court has allowed similar claims on the date of completion of three years of service. The said order passed by the learned Single Judge has been affirmed in W.A.No.47 of 2010 dated 23.06.2010. In the said case, the claim of the petitioners was that of regularisation of their services with effect from the date of completion of three years of service on consolidated pay, since the services of those petitioners were regularized at much later point of time. The learned counsel also brought to the attention of this court to the proceedings of the third respondent dated 07.01.2014, in which, it is clearly stated that the name of the petitioner was left out while granting the benefits of regularization in spite of other similarly placed employees.

5.Upon notice, Mr.R.A.S.Senthilvel, learned Additional Government Pleader filed counter affidavit. In the counter, an attempt has been made to distinguish the case of the petitioner and others for application of the benefit under G.O.Ms.No.199, MAWS Department, dated 12.08.1997.

6.This Court is unable to appreciate as to how the present case of the petitioner is different from the other similarly placed persons, both in terms of application of G.O.Ms.No.199, MAWS Department, dated 12.08.1997 and in terms of the earlier directions issued by the learned Single Judge of this Court, which was affirmed in the writ appeal as stated above.

7.In the said circumstances, this Court is of the clear view that the case of the petitioner is squarely covered under G.O.Ms.No.199, MAWS Department, dated 12.08.1997 and also in the light of the judgment passed by the learned Single Judge of this Court in W.P.No.25620 of 2006 dated 17.09.2008 and in W.A.No.47 of 2010 dated 23.06.2010.

8.In the above circumstances, this court has no hesitation to allow the writ petition as prayed for. Therefore, there shall be a direction to the respondents to bring the petitioner under regular time scale of pay with effect from the date of completion of her three years of service on consolidated pay and on such benefit, the petitioner is entitled to other attendant and consequential benefits that may flow from such order. The said exercise shall be completed by the respondents within a period of three months from the date of receipt of a copy of this order.

9.With the above direction, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

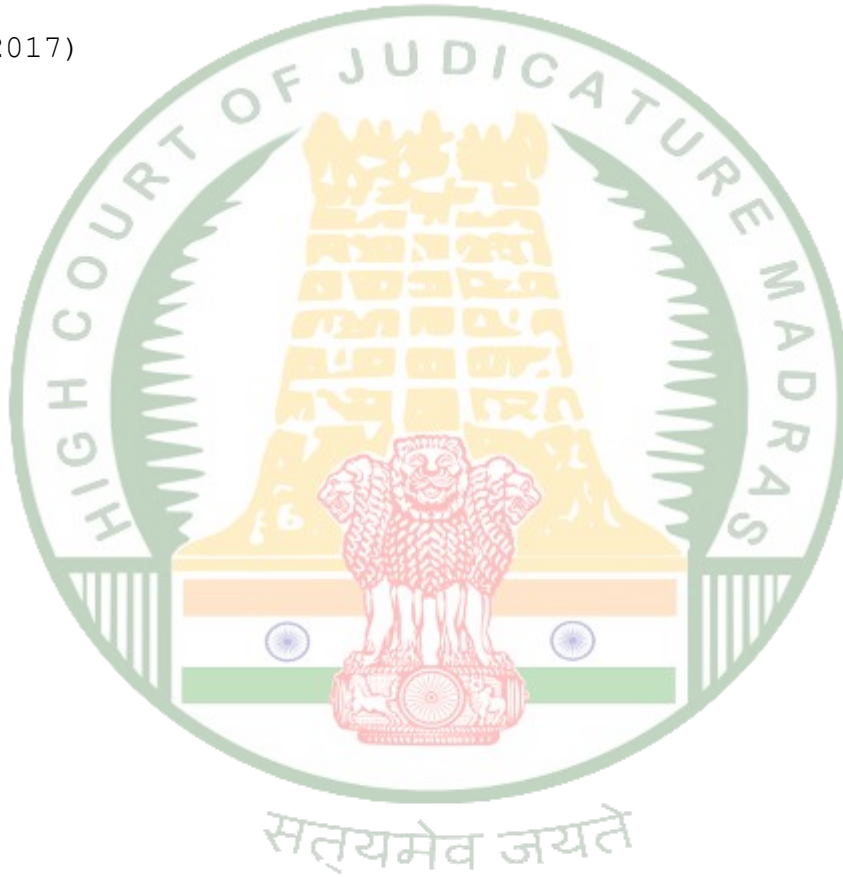
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+1cc to Mr.V.Vijayshankar, Advocate, S.R.No.52623
+1cc to Mr.R.Ravichandran, Advocate, S.R.No.52861
+1cc to the Government Pleader, S.R.No.53299

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SVI (CO)
CA(04/09/2017)



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