

IN THE HIGH COURT OF JUDICATURE AT MADRAS

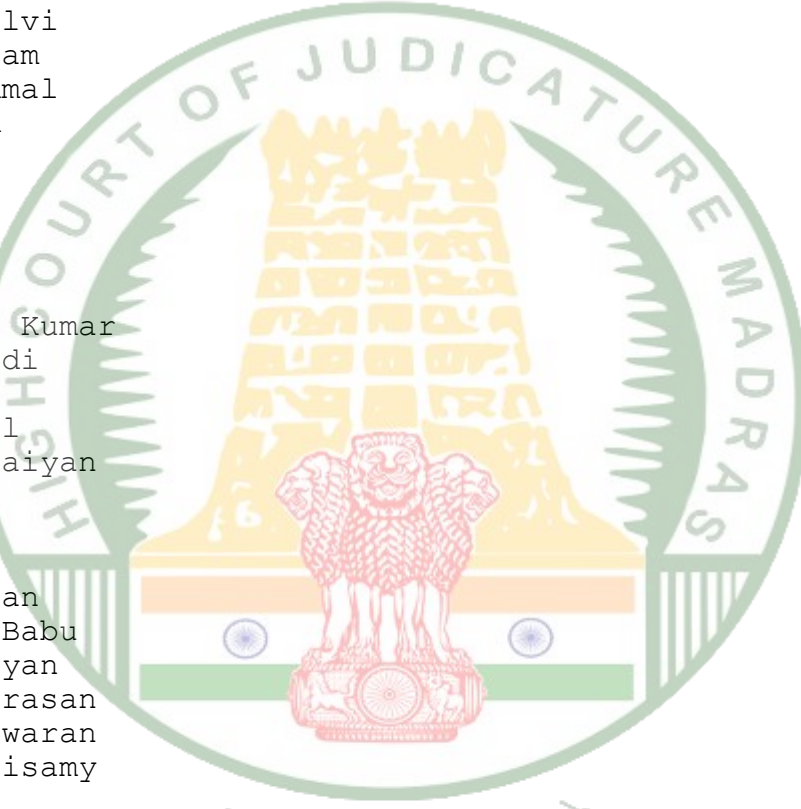
DATED: 07.07.2017

CORAM :

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.1075 of 2010

- 1.A.Balamani
- 2.N.Maathu
- 3.R.Murugan
- 4.B.Tamil Selvi
- 5.M.Paruvatham
- 6.P.Govindammal
- 7.B.Mangalam
- 8.B.Nirmala
- 9.P.Rani
- 10.N.Lakshmi
- 11.P.Prabu
- 12.D.Shanthi
- 13.P.Senthil Kumar
- 14.R.Dhanakodi
- 15.P.Kannan
- 16.S.Rajammal
- 17.N.Sengottaiyan
- 18.G.Pavayee
- 19.K.Arjunan
- 20.N.Murugan
- 21.C.Saravanan
- 22.S.Suresh Babu
- 23.P.Maathaiyan
- 24.T.Kalaiyarasan
- 25.S.Parameswaran
- 26.S.N.Palanisamy
- 27.D.Latha
- 28.S.Senthil Kumar
- 29.E.Vasantha
- 30.S.Krishnan
- 31.K.Palanisamy
- 32.P.Lakshmi
- 33.M.Nagammal



सत्यमेव जयते

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.. Petitioners

Vs.

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

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

3.The Commissioner,
Tiruchengode Town Municipality,
Tiruchengode,
Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to regularize the service of the petitioners and bring them on time scale of pay with effect from the year 2001 immediately on completion 3 years of service as provided in G.O.Ms.No.101/1997 dated 30.4.1997 with all consequential and attendant benefits including pay fixation and arrears.

For Petitioner : No appearance

For Respondents: Mr.P.Sanjay Gandhi, AGP
for RR1 and 2
No appearance for R-3

ORDER

There are 33 writ petitioners. It is the case of the writ petitioners that they were appointed as Sanitary Workers in Tiruchengode Town Municipality in the year 1998. Commissioner of Tiruchengode Town Municipality, Namakkal is respondent No.3 before me.

2 It is the admitted case of the writ petitioners that their appointment was not regularized. The prayer in the writ petition is to mandamus the respondents to regularize the services of the writ petitioners and consequently bring them on time scale of pay with effect from the year 2001. To buttress the prayer in the writ petition, the writ petitioners have included one more limb in the prayer, wherein and whereby the writ petitioners pray that their regularization on completion of three years of service should be done as provided for in G.O.Ms.No.101 dated 30.4.1997.

3 There is no representation for the writ petitioners today. Considering the nature of the matter, coupled with the fact that the writ petition is of year 2010 and has been pending in this Court for about 7 years, I deem it appropriate to consider and decide the matter on merits on the basis of available case papers. Therefore, I have perused the writ affidavit and typed set of papers. All the three respondents, who are official respondents, have been duly served. For

respondent Nos.1 and 2, Mr.P.Sanjay Gandhi, learned Additional Government Pleader is present. For respondent No.3, i.e., Commissioner, Tiruchengode Town Municipality, though a counsel has entered appearance, none is present today.

4 I have perused G.O.Ms.No.101, Municipal Administration and Water Supply Department dated 30.4.1997, on which the writ petitioners have pitched themselves for their prayer (G.O.Ms.No.101 dated 30.4.1997 has been annexed to the typed set of papers).

5 A plain and simple reading of G.O.Ms.No.101 dated 30.4.1997 would reveal that there is no specific provision for regularization. However, in the light of the order that I propose to pass, I refrain from expressing any opinion on G.O.Ms.No.101 dated 30.4.1997.

6 Learned Additional Government Pleader Mr.P.Sanjay Gandhi brings to my notice that the writ petitioners have sent a representation dated 1.8.2008 to the third respondent before me as well as respondents 1 and 2 before me.

7 In this representation, writ petitioners have sought regularization with certain incidental prayers.

8 Considering the facts and circumstances of the case, the following order as set out in the following paragraphs infra is passed.

9 Respondent No.1 before me, i.e., Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department, Fort St. George, Chennai-600 009 is directed to dispose of the representation of the writ petitioners dated 1.8.2008 (found at page 20 of the typed set of papers annexed to the writ petition) in the light of G.O.Ms.No.101 dated 30.4.1997 within a period of twelve (12) weeks from the date of receipt of a copy of this order. Though obvious, it is made clear that such disposal shall be in a manner known to law. Orders passed on the said representation shall be communicated to the writ petitioners under due acknowledgment within a fortnight from the date of disposal of the representation.

10 Though obvious, it is made clear that while disposing of the representation dated 1.8.2008, the first respondent shall do so, uninfluenced by / untrammelled by anything that I may have been said in this order. All that have been stated in this order is for the limited purpose of completing facts for disposing of

this writ petition and the first respondent shall not be swayed by the same. The writ petition is disposed of with the above directions. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vvk

To

1. The Secretary to the Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai-600 009.
 2. The Commissioner,
Municipal Administration,
Chepauk, Chennai-600 005.
 3. The Commissioner,
Tiruchengode Town Municipality,
Tiruchengode,
Namakkal District.
- + 1 cc to The Govt.Pleader, SR.48044

W.P.No.1075 of 2010

NR 26/07/2017

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