

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

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

W.P.No.32654 of 2013

and

M.P.No.1 of 2013

1.M.Sudhakar
2.M.Venkatesh
3.V.Santhi
4.Sittayee
5.K.Mariammal
6.K.Kuppayee
7.K.Murugan
8.P.Vasantha
9.K.Moorthy

...Petitioners

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-9.

2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai-600 108.

3.The Executive Officer,
Tharamangalam Selection Grade,
Town Panchayat,
Tharamangalam, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd Respondent dated 27.07.2006 issued in Na.Ka.No.3051/2006/A3 and the proceedings of the 3rd respondent dated 23.08.2006 issued in Na.Ka.No.420/2006 A1 and quash the same restricting the date of bringing the petitioners into time scale with effect from 23.06.2006 onwards alone and to issue consequential direction to the respondents to bring the petitioners into the regular time scale from the date on which

they completed three years consolidated pay services in the light of G.O.Ms.No.199, Municipal Administration and Water Supply Department dated 12.08.1997 and the G.O.Ms.No.84, Municipal Administration and Water Supply Department dated 21.05.1998 and the Judgement of Division Bench dated 23.06.2010 passed in W.A.No.47 of 2010 and 385 of 2010 with all consequential service and monetary benefits.

For Petitioners : Mr.C.Samivel

For RR-1 & 2 : Mr.K.Thangapandi
Government Advocate

For RR-3 : Mr.M.Digvijayapandian

O R D E R

The relief sought for in the writ petition is to quash the proceedings of the 2nd respondent dated 27.07.2006, and the proceedings of the 3rd respondent dated 23.08.2006, in respect of the grant of time scale to the writ petitioner with effect from 23.06.2006 onwards and a further direction to grant consequential benefits in the regular time scale of pay on completion of the period of three years service as consolidated pay employees.

2.The learned counsel for the writ petitioner made a submission that the issues raised in this writ petition were adjudicated by the Hon'ble Full Bench of Madurai Bench of Madras High Court in S.Dhanasekaran & 24 Others .vs. Government of Tamil Nadu [2013 (6) CTC 593]. After adjudicating the issues elaborately, the Hon'ble Full Bench of this Court, issued the following order. Paragraph 28 of the order is extracted below:

"28. In view of the foregoing discussions, we answer the question referred to us as follows:

(i) The view taken in W.P.(MD).Nos.4170 & 4171 of 2011, dated 02.04.2013, has got nothing to do with the Sanitary Workers, working in Municipalities and Municipal Corporations, who are governed by G.O.Ms.Nos.101, 71 & 21, Municipal Administration and Water Supply Department, dated 30.04.1997, 05.05.1998 & 23.02.2006, respectively. Therefore, we have not examined the correctness of the views expressed in W.P.(MD).Nos.4170 & 4171 of 2011.

(ii)The view expressed in W.A.(MD).No.729/2013 is not the correct legal position in respect of Sanitary Workers, who are governed by

G.O.Ms.Nos.101, 71 & 21, Municipal Administration and Water Supply Department, dated 30.04.1997, 05.05.1998 and 23.02.2006, respectively and accordingly, we, with respect, overrule the same.

(ii) Those Sanitary Workers, who were appointed as per G.O.Ms.No.101, Municipal Administration and Water Supply Department, dated 30.04.1997 or absorbed as per G.O.Ms.No.71, Municipal Administration and Water Supply Department, dated 05.05.1998, are all governed by G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006, in respect of their regularisation in service and such regularisation shall take effect only from 23.02.2006 and not from the date on which they had completed three years of service from the date of their initial entry into service."

3. Thus, the learned counsel for the writ petitioner submitted that the benefits sought for in this writ petition shall be considered in terms of the judgment delivered by the Hon'ble Full Bench of this Court in the case, cited supra.

4. Accordingly, the Writ Petition stands disposed of in terms of the order passed by this Court in S.Dhanasekaran & 24 Others .vs. Government of Tamil Nadu in W.P.(MD) No.1083 of 2012 and W.A.(MD).No.555 of 2010 dated 29.11.2013. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IV)

// True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai-9.

WEB COPY

2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai-600 108.

3.The Executive Officer,
Tharamangalam Selection Grade,
Town Panchayat,
Tharamangalam,
Salem District.

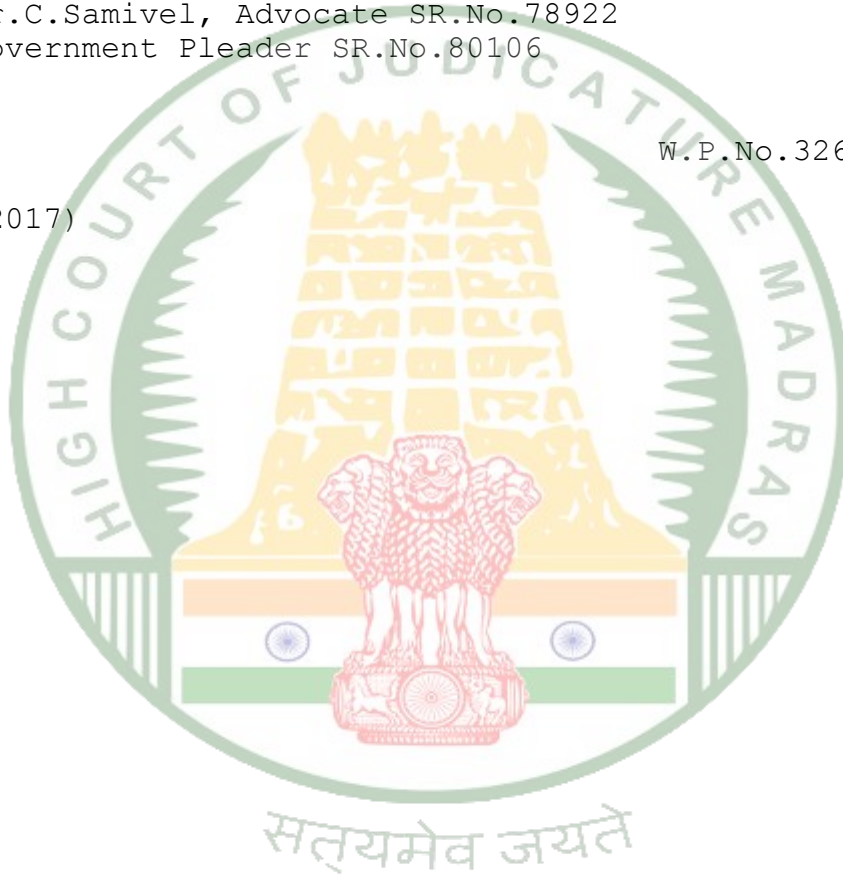
+1c to Mr.Digvijaya Pandian, Advocate SR.No.78955

+1cc to Mr.C.Samivel, Advocate SR.No.78922

+2cc to Government Pleader SR.No.80106

W.P.No.32654 of 2013

GN(27/11/2017)



WEB COPY