

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24911 of 2013

1. K. Sukumaran
2. K. Devendran
3. K. Annadurai
4. K. Asaithambi
5. S. Rajesh
6. K. Ranjith Kumar
7. R. Makali
8. K. Anbu

..Petitioners

Vs.

1. The Government of Tamil Nadu
rep. By its Secretary
Municipal Administration &
Water Supply Department
Fort St. George
Chennai - 600 009.

2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

3. The Health Officer
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

4. The Assistant Commissioner/
Zonal Officer, Zone 1,
Corporation of Chennai
Thiruvottiyur
Chennai - 600 019.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents, to appoint the petitioners as Burial Ground Assistant in Zone 1, Corporation of Chennai as per the directions contained in G.O. Ms.No.18 Municipal Administration and Water Supply Department dated 11.01.2008 and pay them salary, arrears of salary and other consequential benefits with effect from the date of the said G.O and pass further orders.

For Petitioner : Mr. K.S. Viswanathan

For Respondents : Mr. A. Raja Perumal
Addl. Govt. Pleader for R 1

Mrs. Karthika Ashok
Standing Counsel for Corporation
for R2 to R4

O R D E R

The petitioners have filed the present writ petition, seeking to direct the respondents, to appoint them as Burial Ground Assistants in Zone 1, Corporation of Chennai as per the directions contained in G.O. Ms.No.18 Municipal Administration and Water Supply Department dated 11.01.2008 and pay them salary, arrears of salary and other consequential benefits with effect from the date of the said G.O.

2. Learned counsel for the petitioners submitted that the petitioners have been working as "Parambarai Vettiyan" at the burial grounds in Thiruvottiyur Municipality for several years on hereditary basis. They seek regularization of their services as Burial Ground Assistants based on G.O.Ms. No.18 Municipal Administration and Water Supply Department, dated 11.01.2008. According to learned counsel for the petitioners, similarly placed persons of Zone 1, Thiruvottiyur Municipality have filed W.P. No.20702 of 2013, seeking the same prayer. This Court by its order dated 26.07.2013 has directed the respondent Corporation to regularise the service of the petitioners as Burial Ground Assistants based on G.O.Ms. No.18, with arrears of pay. The said order has become final and the respondent Corporation has complied the said order.

3. Learned counsel for the petitioner further submitted that it would suffice, if the 2nd respondent Corporation is directed to consider the representation dated 20.06.2013, of the petitioners, in the light of the aforesaid order passed by this Court on 26.07.2013.

4. Learned Standing Counsel appearing for the Corporation submitted that the said representation of the petitioners has been addressed to the Mayor of Chennai Corporation. If the petitioners submit a fresh representation to the 2nd respondent, the same would be considered, in accordance with law.

5. Heard learned counsel for the petitioners, learned Additional Government Pleader for the 1st respondent and the learned Standing Counsel for the respondents 2 to 4.

6. Considering the facts and circumstances of the case and the submission of the learned counsel for the parties, this Court is inclined to direct the petitioners to make a representation to the 2nd respondent Corporation, along with a copy of this order. On receipt of the same, the 2nd respondent is directed to consider the representation of the petitioners, in the light of the orders passed in W.P. No.20702 of 2013 dated 26.07.2013, as expeditiously as possible, not later than twelve weeks, thereto.

7. The writ petition is disposed of, on the above terms.
No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

3. The Health Officer
Corporation of Chennai
Rippon Buildings
Chennai - 600 003.

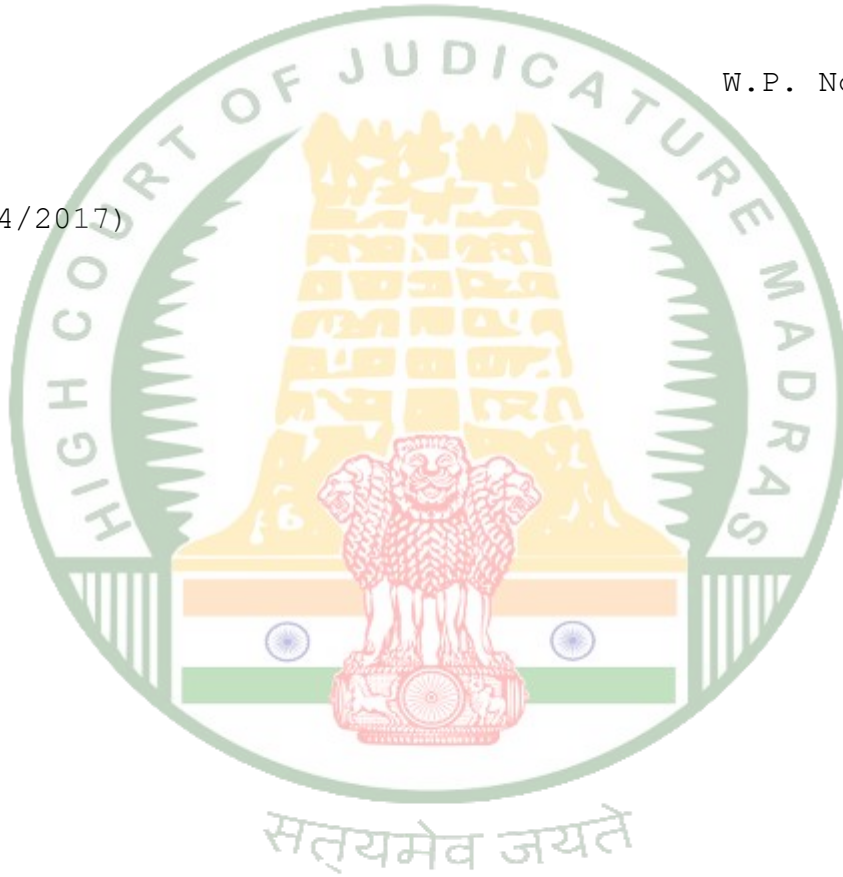
4. The Assistant Commissioner/
Zonal Officer, Zone 1,
Corporation of Chennai
Thiruvottiyur
Chennai - 600 019.

+1 CC to Mr.V.Suthakar, Advocate Sr.No.6323

+1 CC to Government Pleader, High Court, Chennai Sr.No.6485

W.P. No. 24911 of 2013

SCD(CO)
KP(18/04/2017)



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