

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2017

CORAM

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

W.P.No.38785 of 2016

- 1.P.Chitra Kala Devi
- 2.S.Ramesh
- 3.C.Palani
- 4.K.Thulasi Raman
- 5.K.Shankar
- 6.M.Sivanandam
- 7.P.Usha
- 8.N.Dhanalakshmi

... Petitioners

Vs

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
3. The Commissioner,
Chennai Corporation,
Chennai 600 003.
4. The Superintending Engineer,
Solid Waste Management Department,
Chennai Corporation.
5. The Zonal Officer, Zone VI,
Chennai Corporation,
No.5, Anderson Road,
Ayanaravaram,
Chennai 600 023.
6. The Zonal Officer, Zone VIII,
Chennai Corporation,
No.13B, Pulla Avenue,
Shenoy Nagar,
Chennai 600 030.

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 1 to 4 respondents to bring the Petitioners under regular time scale from the date on which they completed three years satisfactory consolidated pay service along with service and monetary benefits as done by the 1st respondent in the case of consolidated pay sanitary workers in Town Panchayats and Municipalities applying the principles of doctrine of equality.

For Petitioners : Mr.P.I.Thirumoorthy

For Respondents : Mr.K.Dhanajeyam,
Special Govt. Pleader for RR1 & 2

: Mr.Anantha Rangan for RR3 to 6

ORDER

The relief sought for in the writ petition is to bring the petitioners under regular time scale pay from the date on which they completed three years satisfactory consolidated pay service along with service and monetary benefits as done by the 1st respondent in the case of consolidated pay sanitary workers in Town Panchayats and Municipalities applying the principles of doctrine of equality and in accordance with the Government order passed in G.O.No.158 MAWSS dated 19.06.1997.

2.The learned counsel appearing for the writ petitioners submits that the conditions stipulated in G.O.M.S.No.158 MAWSS, dated 19.06.1997, are similar to the conditions stipulated in G.O.M.S.No.71 dated 05.05.1998. Since there is no difference between G.O. Ms.158 and G.O.Ms.No.71, in imposing conditions and ***in respect of the principles laid down for all purposes the judgment of the Full Bench of the High Court of Madras rendered in the case of Secretary to Government, Municipal Administration and Water Supply Department Vs. V.Marisamy in Review Application (MD) No.87 of 2014 in W.A.(MD) No.729 of 2013, Rev. Appln. No.223 of 2015 in W.P.(MD) No. 1083 of 2012 & W.A.(MD) No.555 of 2010 & M.P.No.1 of 2015 & Rev. Appl. No.254 of 2015 in W.P.(MD) No.1083 of 2012 & M.P.No. 1 of 2015 reported in 2017 (3) CTC 673 is applicable to the present case also.**

3.In view of the submissions made by the learned counsel for the petitioners, this court is inclined to consider this writ

petition to the extent of relief granted by the Full Bench. Accordingly, these writ petitioners are entitled for the relief as such granted in the judgment of the Full Bench. The writ petition stands disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS IV)

Dated : 14.07.2017

***Deleted and amended as per Order**

dated 07.08.2017 made in

W.P.No.38785 of 2016

Sd/- Assistant Registrar(CS IV)

Dated : 31.08.2017

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Municipal Administration
and Water Supply Department,
Fort St.George, Chennai 600 009. To be
2. The Commissioner of Municipal Administration, substituted to
Chepauk, Chennai 600 005.
3. The Commissioner,
Chennai Corporation,
Chennai 600 003. the Order
4. The Superintending Engineer,
Solid Waste Management Department,
Chennai Corporation.CDC already
5. The Zonal Officer, Zone VI,
Chennai Corporation,
No.5, Anderson Road, सतयमेव जयते
Ayanaravaram, Chennai 600 023. despatched on
6. The Zonal Officer, Zone VIII,
Chennai Corporation, No.13B, Pulla Avenue, 17.07.2017
Shenoy Nagar, Chennai 600 030.

+1 cc to M/s.P.T.Thirumoorthy Advocate sr 47325

+1 cc to M/s.G.Anantha Rangan Advocate sr 47054

+1 cc to the Government Pleader sr 47347

W.P. No.38785 of 2016

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CA(31.08.2017)