



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.12.2017

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.16903 of 2014

K.Balu

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,  
Chepauk, Chennai-05.

2.The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam,  
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to consider and dispose the representation dated 03.09.2014 in accordance with G.O.Ms.No.408, Principal Secretary to Government, Finance (Pension) Department, dated 25.08.2009.

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| For Petitioner  | : Mr.G.Marimuthu                                      |
| For Respondents | : Mr.V.Muruganantham<br>Additional Government Pleader |

### **ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the second respondent to consider and dispose the representation dated 03.09.2014, in accordance with G.O.Ms.No.408, Principal Secretary to Government, Finance (Pension) Department, dated 25.08.2009.

2.The learned counsel for the petitioner would submit that the petitioner has been appointed as a sanitary worker in the Rajapalayam Municipality. The petitioner has raised an Industrial Dispute before the Labour Court, Madurai, in I.D.No.38 of 2003 and the Rajapalayam Municipality took the stand before the Labour Court that the 86 sanitary workers were not the permanent employees of the Municipality and they were appointed only on the term basis and after the period was over and they are relieved from the work. The Labour Court had allowed the Industrial Dispute Petitions filed by 11 sanitary workers and directed the Municipality to reinstate them in service along with back wages and continuity of service within the period of two months. The Presiding Officer, Labour Court,



Madurai, allowed the Industrial Dispute raised by the other 66 sanitary workers and they were entitled to be reinstated in service with continuity but without back wages and other benefits.

3. Further, the learned counsel stated that the Rajapalayam Municipality filed Writ Petitions, before the Hon'ble High Court, Madurai, and the said writ petitions were dismissed on 28.10.2011 and 31.10.2011 respectively and the Municipality was directed to reinstate all the sanitary workers in the service, within a period of eight weeks from the date of receipt of the copy of the order. The Writ Appeals were filed by the Rajapalayam Municipality as against the orders dated 28.10.2011 and 31.10.2011 passed by the learned Single Judge. In the Writ Appeals, the sanitary workers took the stand that they are ready to relinquish the demand of back wages. The Hon'ble High Court, Madurai Bench had disposed of the Writ Appeals on 07.06.2012 by directing the Rajapalayam Municipality to reinstate the sanitary workers in service. On the direction of this Court on 12.09.2012, the Rajapalayam Municipality had reinstated 66 sanitary workers including the petitioner in service. If 50% of the service rendered by the petitioner from 01.06.1998, is taken into account, at the time of retirement, he may be eligible to receive the pension. Hence, he filed this Writ Petition.

4. In view of the limited prayer sought for by the petitioner, this Court directs the respondents to consider the case of the petitioner and pass appropriate orders, as per the prevailing Rules and in accordance with law, if the petitioner is otherwise eligible, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,  
Chepauk, Chennai-05.

2. The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam, Virudhunagar District.

+1CC TO M/S.G.M.LAW OFFICE, ADVOCATE, SR NO.94043

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.94309

ORDER MADE IN  
W.P (MD) No.16903 of 2014  
20.12.2017