



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WP (MD) No.19095 of 2014

and

MP (MD) No.2 of 2014

1.P.Murugan

2.S.Palanikumar

3.S.Gajendira Kannan

4.M.Prakash

... Petitioners

-Vs-

1. The State represented by
The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 9.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 9.

3. The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to absorb the petitioners in regular time scale either as Over Head Tank (OHT) operator or any other equivalent cadre in Basic Service as per the orders issued by the Government in G.O. Ms. No. 385 Finance (Salaries) Department, dated 01.10.2010 and regularize the services of the petitioners with all attendant and monetary benefits.

For Petitioners : Mr.M.Saravanakumar

For Respondents 1 and 2 : Mr.G.Muthukannan,
Government Advocate

For Respondent 3 : Mr.R.Murali

**ORDER**

The prayer sought for in this writ petition is to issue a writ of Mandamus, directing the respondents to absorb the petitioners in regular time scale of pay either as Over Head Tank (OHT) operator or any other equivalent cadre in Basic Service as per the orders issued in G.O.Ms.No.385 Finances (Salaries) Department, dated 01.10.2010.

2.By consent of both parties the writ petition is taken up for final disposal at the stage of admission itself.

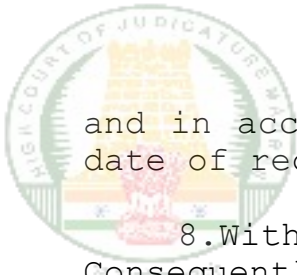
3.The petitioners would state that they were selected and appointment as Over Head Tank Operators in the Chinna Anuppanadi Village Panchayat, Thiruparankundram Panchayat Union, Madurai Disitric, on consolidated pay as per the orders passed by the Commissioner, Thiruparankundram Panchayat Union dated 14.05.1996. While so, Madurai City Municipal Corporation limits was expanded by merging the three adjoining Grade III Municipalities, three Town Panchayats and eleven Village Panchayat areas. So Anuppanadi Village Panchayat was also merged with Madurai Corporation.

4.The petitioners would claim that as per Go.Ms.No.385 Finances (Salaries) Department, dated 01.10.2010, the petitioners are entitled for regularization on completion of three years of service from the date of their appointment. It is the further case of the petitioners that the Commissioner, Madurai Corporation has already recommended the case of the petitioners for regularisation in the year 2014 itself. But, the first respondent has not taken any decision till date. Hence, the present writ petition has been filed.

5. Heard Mr.Saravanakumar, the learned counsel appearing for the petitioners, Mr.G.Muthukannan, learned Government Advocate appearing for the first and second respondents and Mr.R.Murali, learned counsel appearing for the third respondent.

6. It is not in dispute that the petitioners are already working as Over Head Tank (OHT) operators in Chinna Anuppanadi Panchayat union, which is now merged with Madurai City Corporation. It is also not in dispute that the third respondent has written a letter dated 08.09.2014 to the first and second respondents with regard to the regularization of the service of the employees, who are working in consolidated pay with the third respondent management. Subsequently, the petitioners have sent representations to the respondents dated 22.09.2014 and 06.11.20014 for seeking regularization of their service.

7.In the light of the above facts, this Court without going into the merits of the case, directs the first and second respondents to consider the representations of the petitioners and the proposal sent by the third respondent and pass orders on merits



and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai - 9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 9.

+ 1 CC TO Mr.M.SARAVANA KUMAR, ADVOCATE IN SR No. 73150
+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 73252
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 73453

DSK/DSS

TE/SV-MMS/SAR-III : 04/09/2017 : 3P/6C

WP (MD) No.19095 of 2014 and
MP (MD) No.2 of 2014
18.08.2017