

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.03.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.3479 of 2014**

WEB COPY

S.Rajendran

... Petitioner

Vs.

1. The Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.

2. The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 5.

3. The Commissioner,
Puliankudi Municipality,
Puliankudi,
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularise the petitioner's service from 06.06.2002 in time scale pay and to confer all the benefits by considering the petitioner's representation dated 06.01.2014 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

ORDER

The writ petition is filed for issuance of writ of mandamus directing the respondents to regularise the petitioner's service from 06.06.2002 in time scale pay and to confer all the benefits by considering the petitioner's representation dated 06.01.2014 within the period stipulated by this Court.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner is working as a Driver in the third respondent Municipality and has been in service as NMR in daily wages with



effect from 15.05.1993 without any break in service. It is his grievance that the petitioner, on completion of three years service on consolidated pay is entitled to regularisation in the category of Driver as per the guidelines given in G.O.Ms.No.125 MAWS Department, dated 27.05.1999. He has also made a representation on the basis of the Government Orders and hence seeks a direction from this Court to the respondents to consider the petitioner's representation dated 06.01.2014.

4. The learned counsel for the respondent produced before this Court a judgment of full Bench of this Court in the case in **S.Dhanasekaran & 24 others vs. Govt. of Tamilnadu and others, reported in (2013) 6 CTC 593** wherein this Court has interpreted the Government Orders to the effect that the Government have an option to examine the question of regularisation of service on the employees completing three years of services from the date of initial appointment.

5. According to the learned counsel for the respondent, by the judgment of the Hon'ble Full Bench of this Court, the regularisation after three years from the joining date with retrospective effect is not automatic and permissible. Having regard to the submissions of the learned counsel for the respondent, this Court is not inclined to elaborate the merits of the case of the petitioner. However, this Court is inclined to pass the following order.

"The third respondent is directed to consider the representation of the petitioner dated 06.01.2014 on merits and in accordance with law, in the light of the judgment of the Hon'ble Full Bench of this Court in the case of **S.Dhanasekaran & 24 others vs. Govt. of Tamilnadu and others, reported in (2013) 6 CTC 593**, within a period of eight weeks from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

CMR/PJL

To

1. The Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.



2. The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk, Chennai - 5.

3. The Commissioner,
Puliankudi Municipality,
Puliankudi, Tirunelveli District.

+1cc to M/s. A.HAJA MOHIDEEN Advocate in SR. No.13573

+1cc to M/s. T.S.MOHAMED MOHIDHEEN Advocate in SR. No.13271

JS/RSK/3P-6C/28.03.2017

W.P. (MD) No.3479 of 2014
08.03.2017