



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.3480 of 2014

.Vairavan

.. 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,
Virudhunagar Municipality,
Virudhunagar.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a writ of Mandamus directing the respondents to regularise the petitioner's service from 31.05.2002 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 for RR 1 to 3
	:	Mr.M.Muthugeethaiyan for R4

O R D E R

The writ petition is filed for issuance of writ of mandamus directing the respondents to regularise the petitioner's service from 31.05.2002 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 was employed as Cleaner in the third respondent/Virudhunagar Municipality and has been in service as NMR for daily wages without any break in service from 31.05.2001 and that he is entitled to regularisation on the basis of G.O.Ms.No.125 dated 27.05.1995. Since the petitioner's services is not regularised, the petitioner has made a representation that his service has to be regularised with retrospective effect. It is submitted by counsel for the respondent that a Full Bench of this Court has considered the issue and as per the judgement, the petitioner and similarly placed persons are not entitled to retrospective regularisation and the regularisation is also not mandatory as the Government has got an option to decide as to the eligibility and other criteria. However the grievances of the petitioner is that the Hon'ble Full Bench has not considered G.O.Ms.No.125 dated 27.05.1999. This submission has also been considered in another judgment of the Hon'ble Division Bench of this Court in W.A(MD).No.230 of 2015 dated 07.04.2015. The arguments of the learned counsel for the petitioner in this case was considered in para 3 of the said judgment and this Court has declined the submission of the learned counsel for the petitioner in that case.

4. The Full Bench decision of this Court in the case in *S.Dhanasekaran & 24 others vs. Govt. of Tamilnadu and others*, reported in (2013) 6 CTC 593 is applicable in the case of similarly placed persons. However, without going in to the further details of his submissions, 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."



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

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Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

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

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

3.The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

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

+One cc to Mr.A.HajaMohideen, Advocate, SR.No.13574
+One cc to Mr.T.S.Mohamed Mohideen, Advocate, SR.No.13270
+One cc to mr.M.Muthugeethayan, Advocate, SR.No.13232

PJL
RL/8C/3P/SV/MMS/SAR3/7.4.2017

W.P (MD) NO.3480 of 2014

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