



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.07.2017**

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) Nos.187 to 193 of 2017

and

C.M.P (MD) .Nos.1973 to 1985 of 2017

1. The State of Tamil Nadu,
Rep.by Secretary to Government,
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,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Appellants in all
writ appeals.

vs.

K.Lakshmi	... Respondent in W.A(MD).No.187 of 2017
A.Tamilselvi	... Respondent in W.A(MD).No.188 of 2017
M.Kalaiarasi	... Respondent in W.A(MD).No.189 of 2017
K.Narasimman	... Respondent in W.A(MD).No.190 of 2017
U.Indira	... Respondent in W.A(MD).No.191 of 2017
N.Chidambaram	... Respondent in W.A(MD).No.192 of 2017
S.Subramanian	... Respondent in W.A(MD).No.193 of 2017

Prayer : Writ Appeals are filed under Clause 15 of Letters Patent to set aside the order dated 09 April 2014 in W.P(MD).Nos.5387 to 5393 of 2012 on the file of this Court and allow these writ appeals.

Prayer in WP(MD)No. 5387/ 2012 :

Writ of certiorarified mandamus, calling for the records relating to the impugned order of the 1st respondent in G.O.Ms. No. 21, Municipal Administration & Water Supply (MC3) Department dated 23.02.2006 and the impugned order of the 3rd respondent in Na.Ka.No. 6475/97/C2 , dated 30.06.2006 and quash the same in so



far as regularizing the services of the petitioner as Steno cum Typist with effect from 23.02.2006 and consequently direct the respondents herein to regularize the petitioners herein from the date of the petitioner's appointment on 23-02-2006 in the post of Steno cum Typist with all arrears of salary and other monetary benefits accrued thereon within a reasonable time to be fixed by this Court.

Prayer in WP(MD)No. 5388/ 2012 :

Writ of certiorarified mandamus calling for the records of relating to the impugned order of the 1st respondent in G.O. Ms No. 21, Municipal Administration & Water Supply (MC3) Department dated 23.02.2006 and the impugned order of the 3rd respondent in Na.Ka.No. 6475/97/C2 , dated 30.06.2006 and quash the same in so far as regularizing the services of the petitioner as Junior Assistant cum Typist with effect from 23.02.2006 and consequently direct the respondents herein to regularize the petitioners herein from the date of her appointment on 23-02-2006 in the post of Junior Assistant cum Typist with all arrears of salary and other monetary benefits accrued thereon, within a reasonable time to be fixed by this Court.

Prayer in WP(MD)No.5388 to 5393 of 2012 :

Writ of certiorarified mandamus calling for the records of relating to the impugned order of the 1st respondent in G.O. Ms No. 21, Municipal Administration & Water Supply (MC3) Department dated 23.02.2006 and the impugned order of the 3rd respondent in Na.Ka.No. 6475/97/C2 , dated 30.06.2006 and quash the same in so far as regularizing the services of the petitioner as Junior Assistant cum Typist with effect from 23.02.2006 and consequently direct the respondents herein to regularize the petitioners herein from the date of the Petitioner's appointment on 23-02-2006 in the post of Junior Assistant cum Typist with all arrears of salary and other monetary benefits accrued thereon, within a reasonable time to be fixed by this Court.

For Appellants : Mr.Aayiram K.Selvakumar
in all writ appeals

For Respondents : Mr.V.Sasikumar
in writ appeals
Nos.189 & 191 of 2017

in writ appeals
Nos.187,188,192 & 193 of 2017 : H. Arumugam

in writ appeals
No.190 of 2017 : F.Deepak

**J U D G M E N T**

(Judgment of the Court was made by G.R.SWAMINATHAN, J.)

WEB COPY

In these writ appeals, the State of Tamil Nadu is on appeal, questioning the order dated 09 April 2014 allowing W.P(MD). Nos.5387 to 5393 of 2012.

2.The learned Judge held that the writ petitioners are entitled to the benefit of G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23 February 2006. The learned Judge held that the writ petitioners will be entitled to regularization with effect from date of completion of one year i.e. from 08 April 2000 with all consequential benefits. Aggrieved by the same, the present intra Court appeals have been filed on the strength of the decision of the Full Bench reported in **2013 6 CTC 593 - S.Dhanasekaran and others V. Government of Tamil Nadu and Others**, in which it was held that regularization would be available only with effect from 23 February 2006, when G.O.Ms.No.21, Municipal Administration and Water Supply Department was issued. But, the said Full Bench decision has been reviewed and reversed the Full Bench decision reported in **2017 3 CTC 673 - Secretary to Government, Municipal Administration and Water Supply Department V. V.Marisamy**, in which, it was held as follows :

(a)Persons employed as Sanitary Workers and covered by G.O.Ms.No.,.101, dated 30.04.1997 & G.O.Ms.No.71, dated 05.05.1998 are entitled to be regularized after the completion of the respective period under Consolidated Pay as specified in the Government Orders from the date of their initial appointment.

(b)Any orders passed by any Municipality regularizing the service based on G.O.Ms.No.21, dated 23.02.2006, Full Bench Judgment dated 29.11.2013 & G.O.Ms.No.166, dated 31.12.2014 shall be recalled and appropriate orders shall be passed as held above.

3.In view of the same, we find no merit in these writ appeals. These writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CO)



2cc to Mr.V.Sasikumar ,Advocate Sr.No.65709, 65710
+1cc to Mr.H. Arumugam, Advocate Sr.No.65970

SKM/ARUL

WEB COPY

VB/GT/SAR2/31.07.2017/4P/4C

**W.A. (MD) Nos.187 to 193 of 2017
and
C.M.P (MD) .Nos.1973 to 1985 of 2017**

14.07.2017