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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.752 of 2017

and

CMP (MD) .No. 5552 of 2017

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Admn & Water Supply,
(TP1) Department,
Fort St.George, Chennai - 600 009.

2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai -600 108.

3.The Assistant Director of Town Panchayats,
O/o.Assistant Director of Town Panchayats,
Madurai.

4.The Executive Officer,
Ammal Nakkanoor Town Panchayat,
Dindigul District.

...Appellants/Respondents

Vs.

1.Deivanai,
2.Muthalagu

...Respondents/Petitioners

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, against the order, dated 01.04.2013 made in W.P.(MD)No.4116 of 2013.

Prayer in WP(MD) . 4116/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order of the 4th respondent in Na.Ka.No.334/2006A dated 28.07.2006 and quash the same in so far as it failed to regularize the services of the petitioner's husband on completion of three years of service as per the conditions of appointment and consequently directed the respondents here in to regularize the services of the husband of the first petitioner late Muthu Veeran and the husband of the 2nd Petitioner late Senraya Perumal in the post of Sanitary Worker on completion of three years as per conditions of their appointment on par with other similarly placed employees, make necessary entries in their service register and pay all the monetary benefits accrued to their services on par with the



persons similarly placed in G.O.Ms.No.570 dated 15.11.2010 and G.O.Ms.No.312 dated 9.08.2011, within a reasonable time.

For Appellants

:Mr.V.R.Shanmuganathan
Special Government Pleader

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JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

This appeal is directed against a common order passed by the learned Single Judge in Writ Petitions filed by Sanitary Workders seeking regularisation of their service and extention of service benefits. The respondents are the widows of the writ petitioners.

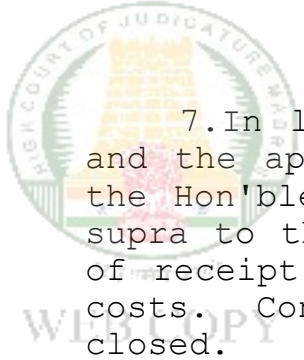
2.The issue involved in this matter is as to whether writ petitioners are entitled for regularisation of their services. On accout of the divergent view taken by the two different Division Benches of this Court on this aspect, the matter was placed before the Hon'ble Full Bench. The Hon'ble Full Bench in **S.Danasekaran and 24 othes Vs. Government of Tamil Nadu, represented by its Secretary, Department of Municipal Administration and Water Supply Department and others**, reported in 2013 (6) CTC 593, has held that when on completion of 3 years of service on consolidated pay , the employees are entitled for time scale of pay. In so far as the staff working in the Municipalities it was held that they are not entitled for getting time scale of pay on completion of 3 years of consolidated salary, but would be entitled for time scale of pay from the date of Government Order.

3.So far as the staff working in the Panchayats, as in the case on hand, the matter was considered by the Division Bench in the case of **The State of Tamil Nadu by Director of Town Panchayats and 2 others Vs. K. Kalaikumar in Writ appeal No.283 of 2013 and by judgment dated 12.03.2014** and the Division Bench held that so far as the employees of the Panchayats are concerned, they are not entitled to get time scale of pay on completion of 3 years of services. The Division Bench also noted that the Special Leave Petition filed by the State as against the order of the Division Bench in Writ Appeal Nos. 47 and 385 of 2010, dated 23.06.2010 was dismissed by the Hon'ble Supreme Court by order dated 27.09.2010.

4.Further the Division Bench noted that the order of the learned Single Judge in the said case was implemented and the Government Passed GO.MS.No.720 dated 15.11.2010.

5.In the light of the above settled legal position, the appeal filed by the appellants has to necessarily fail.

6.The learned Special Government Pleader on instructions would submit that in terms of the direction issued, services of the respondents have been regularised.



7. In light of the above discussions, writ appeal is dismissed and the appellants are directed to give effect to the decision of the Hon'ble Division Bench in the case of K.Kalaikumar referred to supra to the respondents within a period of 3 months from the date of receipt of a copy of the order, if not already implemented. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

DAS/AM

JS/GT/SAR.3/3.8.2017/3P-1C

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