



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.12741 of 2017

Nagarajan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Municipal Administration,
and Water Supply,
Fort St.George,
Chennai.

2. The Commissioner of Municipal Administration,
Chepauk,
Chennai-6.

3. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the petitioner's representation dated 20.03.2017 in the light of the orders of this Court in W.A.(MD).Nos.461 to 474 of 2013 dated 08.03.2013 within a time frame.

For Petitioner : Mr.B.S.Meltiue

For Respondents : Mr.K.Guru
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction, directing the respondents to consider and pass appropriate orders on the petitioner's representation dated 20.03.2017 in the light of the orders of this Court in W.A.(MD). Nos.461 to 474 of 2013 dated 08.03.2013 within the stipulated time.



2. Heard Mr.B.S.Meltiue, learned counsel appearing for the petitioner and Mr.K.Guru, learned Additional Government Pleader appearing for the respondents.

3. By consent of both sides, this writ petition itself is taken up for final disposal.

4. The petitioner is serving as Sweeper in the office of the third respondent, Paramakudi Municipality from 03.07.1998. The first respondent, while issuing the G.O.Ms.No.125, directed all Municipal Administrations in Tamil Nadu to regularize the service of all temporary sweepers under G.O.Ms.No.101, Municipal Administration and Water Supply Department, dated 30.04.1997, after completion of three years of service. As per the said G.O.Ms.No.125, dated 27.05.1999, the petitioner is entitled to regularize his service, after completion of three years of service. Therefore, the claim of the petitioner is that he was appointed in the office of the third respondent on 03.07.1998, after completion of three years of service, the third respondent ought to have regularised his service as per G.O.MS.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999. But, the third respondent has regularised the petitioner's service only from 16.03.2006, ignoring the five years of service rendered by him. When the neighboring Municipalities like Thenkasi, Courtalam, Puliankudi, Sankarankovil, Tuticorin, Padmanabhapuram and Thondi regularised the service of all sweepers, after completion of three years of service, the third respondent alone cannot take different stand against the said G.O.Ms.No.125.

5. The learned counsel for the petitioner submitted that similar writ petitions in W.P.(MD).Nos.1943, 2371 to 2374 and 2183 to 2196 of 2011 filed before this Court seeking a direction to regularize the service on completion of three years of service. He further submitted that in the said writ petitions, this Court directed the respondents to regularize the service from the date of completion of three years from the original date of appointment and thereafter, the said order was modified by the Hon'ble Division Bench of this Court in W.A.(MD).Nos.461 to 474 of 2013 with a direction to the respondents therein to regularize the services of the petitioners on completion of three years of service in terms of G.O(Ms).No.101 Municipal Administration and Water Supply Department dated 30.04.1997. Therefore, the action of the third respondent regularizing the service of the petitioner by proceedings dated 22.11.2013 in Na.Ka.No.141/2011/H1, should be modified.

6. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that as per the judgment of this Court and on the basis of G.O.Ms.No.125, dated 27.05.1999, the services of the sweepers would be regularised on



completion of three years of service from the date of appointment and to follow the uniformity.

7. In reply, the learned counsel for the petitioner submitted that when G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999 issued by the Government makes it clear that the Sweepers are entitled for their regularization of their service on completion of three years of service from the date of appointment, the third respondent, Paramakudi Municipality, is bound to follow the said G.O.Ms.No.125, by giving the benefit to all the sweepers by regularizing their service on completion of their three years of service from the date of their appointment. He further submitted that in the present case, the petitioner was appointed by the third respondent on 03.07.1998 and his claim is that he has completed three years of service on 02.07.2001, but, the third respondent has regularized the petitioner's service only from 16.03.2006, by his proceedings in Na.Ka.No.C1/3270/99, which has to be modified on the basis of G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999.

8. In the result, the proceedings of the third respondent in Na.Ka.No.C1/3270/99, dated 16.03.2006 is hereby modified to the extent that the service of the petitioner shall be regularized as per G.O.Ms.No.125, dated 27.05.1999 and pass orders on merits and in accordance with law. The said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

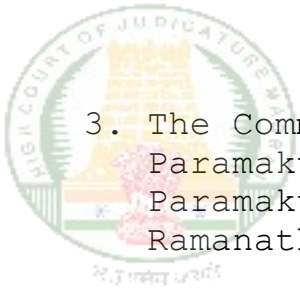
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The State of Tamil Nadu,
Rep by its Secretary,
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and Water Supply,
Fort St.George,
Chennai.
2. The Commissioner of Municipal Administration,
Chepauk,



3. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

+ 1 cc TO Mr.B.S.Meltiue , Advocate in SR No. 65930
+1cc to The Special Government Pleader in SR.No.66154

Ns

AE/KK/SAR3/13.10.2017/4P/6C

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