

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.2837 of 2018

1.R.Dhanalakshmi
2.S.Maragatham
3.K.Bhuvaneshwari
4.P.Srinivasan
5.S.Kanniyammal
6.S.Gunasundari
7.N.Natrayan
8.K.Subramani
9.R.Veeramani
10.Reshma
11.Usha
12.K.Araathal
13.R.Kalpana
14.V.Abirami
15.A.Prabhu
16.R.Murali
17.A.Geetha
18.Dhanabhakiyam

.... Petitioners

Vs

1 The Commissioner
Coimbatore Municipal Corporation
Coimbatore District.

2 The Assistant Commissioner
West Zone (Goundampalayam)
Coimbatore Municipal Corporation
Coimbatore District.

.... Respondents

For Petitioner : M/s.V.Z.Victor

For RR 1 & 2 : Mr.K.Magesh, Government Advocate

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents consider the representation dated 26.10.2017 sent on 12.12.2017 within a time frame to be fixed by this Honourable Court.

O R D E R

The petitioners were employed as sanitary workers in Goundampalayam Municipality from the period ranging from the year 1997 to 2013 and are presently working as Sanitary worker for carrying out of the sanitation work of the Coimbatore Municipal Corporation, under the contractor appointed by the Municipal Corporation. The sanitary workers appointed during the year 1988 to 1996 as NMR / Daily rated workers were subsequently absorbed in the regular vacancies. However, the petitioners, who were appointed as daily rated sanitary workers during later years were not regularised and they were entrusted to the contractors. It is claimed that vide G.O.No.383 Finance (Salary) Department dated 01.10.2010, the Government had granted special time scale of pay to the temporary employees like that of the petitioners who have served for a minimum period of three years in the Government, local bodies etc., Several representations to the respondents praying to regularize the service of the petitioners did not evoke any response. Hence the present writ petition is filed.

2. Learned counsel for the petitioner submits that similarly placed persons had earlier approached this Court by filing W.P.No.6690 of 2009 and this Court by an order dated 15.09.2009 had held as follows,

"Taking into consideration the above said fact that the petitioners are working as a sanitary workers for number of years, this Court is of the opinion that the respondents will have to be directed to consider the representation made to the third respondent dated 07.04.2008. The third respondent is directed to pass appropriate orders by taking into consideration all the relevant materials, including the various Government Orders, within a period of eight weeks from the date of receipt of a copy of this order."

3. Mr.K.M Government Advocate takes notice for the respondents.. Heard the learned counsel appearing on either side and perused the materials available on record.

3.1. It is represented that it is enough if the representation is ordered to be considered. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it

would be suffice to direct the respondents to consider the representation of the petitioner in the light of the earlier orders of this Court, and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioners dated 26.10.2017 sent on 12.12.2017, in the light of the long years of work, regularisation given to similarly placed workers and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

- 1 The Commissioer
Coimbatore Municipal Corporation
Coimbatore District.
- 2 The Assistant Commissioner
West Zone (Goundampalayam)
Coimbatore Municipal Corporation
Coimbatore District.

+lcc to Mr.K.Magesh, Advocate Sr.89117

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srg 08/01/2019