

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2018

CORAM

The Hon'ble Mr.Justice M.DHANDAPANI

W.P.No.35294 of 2006

1 CHENNAI KANCHIPURAM
TIRUVALLUVAR MAVATTA ULLAATCHITHURAI
PUNIALALARGAL SANGAM REGN.NO 1410/CPT-AITUC
REP. BY ITS PREIDENT A.S. KANNAN 25 KOVVUR ... PETITIONER

Vs

1 COMMISSIONER
PALLAVARAM MUNICIPALITY PALLAVARAM CHENNAI
600 044.

2 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT
FORT ST. GEORGE CHENAI 600 009.

3 S.K. ENTERPRISES REP. BY BABU
MUNICIPAL SOLID WASTE CONTRACTOR CIVIL
CONTRACTOR AND LABOUR SUPPLIER 182
TIRUVOTRIYUR HIGH ROAD CHENNAI 600 019.

... Respondents

(Cause Title amended as per order dated 10/11/2006 in MP.3/06 in WP.3529/06)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus to call for the records and quash G.O. (Nilai) No. 69 dated 4.5.1998 read with resolution of the 1st Respondent Municipality dated 29.7.2006 resolving to handover the entire conservancy work in 14 wards of the municipalities with effect from 1.8.2006 to private contractors as unconstitutional and contrary to the provisions of contract Labour (Regulation and Abolition) Act 1970 and S.9A of the Industrial Disputes Act 1947.

For Petitioner : Ms.Tanvi
For Respondents 1 & 2 : Mr. K.Ravikumar, AGP
For Respondent-3 : Dismissed vide court order
dated 30.09.2011

O R D E R

The petitioner filed this petition seeking a writ of Certiorarified Mandamus to call for the records and quash G.O. (Nilai) No. 69 dated 4.5.1998 read with resolution of the 1st Respondent Municipality dated 29.7.2006 resolving to handover the entire conservancy work in 14 wards of the municipalities with effect from 1.8.2006 to private contractors as unconstitutional and contrary to the provisions of contract Labour (Regulation and Abolition) Act 1970 and S.9A of the Industrial Disputes Act 1947 .

2. While entertaining the writ petition, learned counsel Government Advocate representing the first and second respondent undertaken before this Court that on 10.11.2006 that though the contracts are granted in favour of the private contractors however, the interest of the workers of the petitioner's Sangam will not be affected by the grant of such private contract.

3. First respondent filed a detailed counter affidavit and paragraph-9 of the counter affidavit would read thus:

"I state that Conditions No.13 stipulates that the workers employed by the contractor shall not claim any preferential treatment in the Pallavaram Municipality and thus the interests of the regular sanitary workers of the first respondent Municipality have been taken care of and hence, they could have absolutely no grievance against the partial privatization, which in fact, would eventually ease their extra workload."

4. A reading of the counter affidavit would reveal that the workers employed by the contractor cannot claim any preferential right in the Pallavaram Municipality and after the lapse of 12 years, I do not find anything survives for further adjudication in this writ petition. Hence, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1 COMMISSIONER
PALLAVARAM MUNICIPALITY PALLAVARAM CHENNAI
600 044.

2 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT
FORT ST. GEORGE CHENNAI 600 009.

+1cc to Mr.D.Nagasaila, Advocate, S.R.No.

+1cc to the Government Pleader, S.R.No.44127

W.P.No.35294 of 2006

GSP(06/08/2018)



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