

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2018
CORAM
THE HON'BLE MR.JUSTICE M. DHANDAPANI
W.P.No. 49896 of 2006
and
WPMP.No.1 of 2006

Tamilnadu Municipal Last Grade
Servants Association,

Represented by its State President Mr.A.Babu,

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai - 9.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from filling up the post of Junior Assistant, Bill Collector, Record Clerk etc. by appointing NMRs/daily wage employees contrary to Special Rules of Tamil Nadu Municipal General Service Rules, 1970 in furtherance to the implementation of the orders passed by the Government Order in G.O.Ms.No.125 MAWS Department, dated 27.05.1999 and G.O.Ms.No.21 MAWS Department, dated 23.02.2006 and consequently, direct the respondents to fill up the entry level posts only by appointing NMRs/daily wage employees in the Municipalities and pass such further orders.

For Petitioner : M/s.R.N. Amarnath

For Respondents : Mr.R. Govindasamy
Special Government Pleader

O R D E R

The petitioner has filed this writ petition to forbear the respondents from filling up the post of Junior Assistant, Bill Collector, Record Clerk etc. by appointing NMRs/daily wage employees contrary to Special Rules of Tamil Nadu Municipal General Service Rules, 1970 in furtherance to the implementation of the orders passed by the Government Order in G.O.Ms.No.125 MAWS Department, dated 27.05.1999 and G.O.Ms.No.21 MAWS Department, dated 23.02.2006 and consequently, direct the respondents to fill up the entry level posts only by appointing NMRs/daily wage employees in the Municipalities and pass such further orders.

2. The Tamilnadu Municipal Last Grade Servants Association filed a similar writ petition with the above prayer to direct the respondents not to engage in service. Already, this matter covered by the decision of the Hon'ble Supreme Court in the case of The Secretary, State of Karnataka and Ors v. Umadevi and Ors, dated 10.04.2006 reported in [2006 (4) SCC 1]

3. In view of the above, the Hon'ble Supreme Court already prohibited the authorities for making appointments through Back Door Entry. Hence, the prayer sought for by the learned counsel for the petitioner is covered by the decision. However, no further order is required in this writ petition.

4. Accordingly, the writ petition is closed. No costs. Consequently Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msm

To:

1. The Secretary to Government,
Municipal Administration and Water Supply
Department, Secretariat, Chennai - 9.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.

W.P.No. 49896 of 2006

aa07/06/2018