



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH
W.A(MD)Nos.680 and 681 of 2018
and
C.M.P. (MD)Nos.3836 and 3843 of 2018

W.A. (MD)No.680 of 2018

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai.
2. The Director of Town Panchayat,
Chennai.
3. The Regional Assistant Director of Town Panchayat,
Sivagangai Region,
Sivagangai District.
4. The Executive Officer,
Ilayangudi Town Panchayat,
Ilayangudi, Sivagangai District.... Appellants/Respondents

Vs.

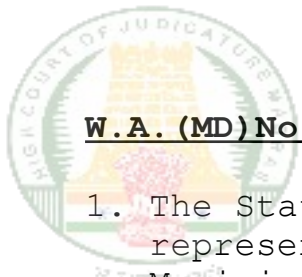
K.Thadiyan

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order, dated 07.07.2017 made in W.P.(MD)No.2122 of 2016 passed by this Court.

Prayer in WP(MD)NO. 2122 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to regularize the service of the petitioner with effect from 06.03.1999 by implementing the order passed by this Honourable Court in WP.No.7396 of 2007 dated 17.06.2011.

**W.A. (MD) No. 681 of 2018**

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai.
2. The Director of Town Panchayat,
Chennai.
3. The Regional Assistant Director of Town Panchayat,
Sivagangai Region,
Sivagangai District.
4. The Executive Officer,
Ilayangudi Town Panchayat,
Ilayangudi,
Sivagangai District. ... Appellants/Respondents

Vs.

K.Muniyandi ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order, dated 07.07.2017 made in W.P.(MD)No.2123 of 2016 passed by this Court.

Prayer in WP(MD)No. 2123 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to regularize the service of the petitioner with effect from 06.03.1999 by implementing the order passed by this Honourable Court in WP.No.7397 of 2007 dated 17.06.2011.

For Appellants
in all appeals

: Mr.A.K.Baskara Pandian
Special Government Pleader

For Respondent
in all appeals

: Mr.V.Panneer Selvam

COMMON JUDGMENT

(Judgment of the Court was delivered by **M.DURAISWAMY, J.**)

Challenging the order passed in W.P.(MD)Nos.2122 and 2123 of 2016, dated 07.07.2017, the State has filed the above writ



2. The respondents/writ petitioners filed the writ petitions seeking for issuance of Writ of Mandamus directing the appellants to regularize their service with effect from 06.03.1999 by implementing the order passed by this Court in W.P.(MD)Nos.7396 and 7397 of 2007, dated 17.06.2011.

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3. It is the case of the writ petitioners that the appellants, without following the order passed in W.P.(MD)Nos.7396 and 7397 of 2007, regularized the services of the writ petitioners with effect from 09.03.2001 instead of 06.03.1999.

4. Before the learned Single Judge, the learned Counsel appearing for the fourth appellant submitted that a consent deed dated 20.12.2016 was executed by the writ petitioners and therefore, they had accepted the order of regularization with effect from 09.03.2001. The writ petitioners contended that the appellants have obtained the signatures of the petitioners in the said consent deed under duress and therefore, the same cannot be relied upon.

5. In W.P.(MD)Nos.7396 and 7397 of 2007, this Court directed the third respondent therein to regularize the services of the petitioners therein with effect from 06.03.1999 as per G.O.Ms.No.84, Municipal Administration and Water Supply Department, dated 21.05.1998 within a period of four weeks from the date of receipt of a copy of that order.

6. In the light of the said order, the fourth appellant also sent a proposal to the Government on 24.10.2013 to give the benefits of regularization with effect from 06.03.1999. Since the order passed in the said writ petitions was not complied with the respondents therein, the contempt petitions in Cont.P.(MD)No.1042 and 1043 of 2013 were filed and the said contempt petitions were closed on 07.11.2013 recording that the respondents had complied with the order passed in the writ petitions.

7. Having complied with the order passed in W.P.(MD) Nos.7396 and 7397 of 2007, the appellants cannot take a different stand for the reason that the writ petitioners in both the matters are similarly placed and the issue involved in both the matters are one and the same. Taking note of all these aspects, the learned Single Judge has rightly disposed of the writ petitions by directing the first appellant to issue an appropriate orders in the matter, with regard to the regularization of the services of the writ petitioners, accepting the proposal dated 24.10.2013, which has been issued pursuant to the order passed by this Court dated 17.06.2011 in W.P.(MD)Nos.7396 and 7397 of 2007.

<https://hcservices.ecourts.gov.in/hcservices/> 8. The learned Counsel appearing on either side submitted that the order dated 17.06.2011 passed in the writ petitions have become final.



9. In these circumstances, we do not find any error or irregularity in the order passed by the learned Single Judge. The Writ Appeals are devoid of merits and the same are dismissed. No costs. Consequently, the connected Civil Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

+2cc to Mr.V.Panneer Selvam, Advocate Sr.No.75174,75175

SSL

VB/MMS/SAR4/07.08.2018/3P/3C

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and
C.M.P. (MD)Nos.3836 and 3843 of 2018
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