



WP(MD)No.12407 of 2014

G.R.SWAMINATHAN, J.

The order dated 09.02.2018 in WP(MD)No.12407 of 2014 suffers from a few typing error. Hence, this matter was posted under the caption "for being mentioned". Registry is directed to issue a revised order copy in the following manner.

"BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12407 of 2014

V.Sivan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George, Chennai - 9.

2. The Commissioner of Municipal
Administration and Water Supply
Department,
Chepauk, Chennai - 5.

3. The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 24.12.2013 passed by the 3rd respondent and quash the same and consequently directing the respondents to regularise the petitioner's service with all monetary and attendant benefits in pursuant to the order of this Court dated 17.12.1999 made in W.P.No.14737 of 1992 within a time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner
For Respondent

: Mr.J.Parekh Kumar
: Mrs.S.Srimathy, Spl.G.P. for RR1 & 2
Mr.M.Karuppasamy Pandian for R3



ORDER

(*)The petitioner was appointed as Gang Coolie on daily wages in the third respondent Municipality. His name figures at serial No.1 in the seniority list prepared by the third respondent municipality in October, 1991. The petitioner had joined service on 01.03.1989. His case is covered by G.O.Ms.No.125 dated 27.05.1999. This is clear from a reading of the order dated 17.12.1999 made in WP.No.14737 of 1992 etc., batch in which the petitioner's name is very much figuring in the cause title. Instead of granting time scale of pay in favour of the petitioner as per the G.O.Ms.No.125 dated 27.05.1999, the third respondent issued order dated 09.03.2000 appointing the petitioner on consolidated pay. This is incorrect.

2.The petitioner was subsequently brought into time scale of pay with effect from 23.02.2006 as per G.O.Ms.No.21, Municipal Administration and Water Supply Department dated 23.02.2006. It is true that the petitioner herein did not question the proceedings dated 23.02.2006 issued by the third respondent.

3.But, this objection raised by the learned standing counsel appearing for the third respondent is only technical in nature. It is evident from the materials on record. But, it is an admitted fact that the petitioner was appointed by the third respondent municipality as daily wages coolie as early as on 01.03.1989 and that therefore his case stands covered by G.O.Ms.No.125 dated 27.05.1999.

4.In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to regularise the petitioner's service with all monetary and attendant benefits in terms of G.O.Ms.No.125 dated 27.05.1999. Such orders should be issued within a period of 8 weeks from the date of receipt of a copy of this order and the consequential benefits will be disbursed immediately thereafter.

5.This writ petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

(*)To be substituted the order already despatched on 19.03.2018

1. The Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Chennai - 9.

2. The Commissioner of Municipality
Administration and Water Supply
Department,
Chepauk, Chennai - 5.

+ 1 cc TO Mr.J.Parekh Kumar , Advocate in SR No. 47819
+ 1 cc TO Mr.M.Karuppasamy , Advocate in SR No. 47667
+ 1 cc TO The Special Government Pleader in SR No. 48276

skm

VB/KK/SAR3/16.03.2018/3P/6C

AE/SV MMS/SAR3/16.04.2018/3P/6C

**W.P(MD)No.12407 of 2014 ".
28.03.2018**