

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.02.2019
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 17083 of 2011
and
M.P. No. 2 of 2011

J. Ramesh Babu

.. Petitioner

Vs.

1. The State
rep. by its Secretary
Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai - 600 009.

2. The Commissioner of
Municipal Administration
Chepauk
Chennai - 600 005.

3. The Executive Officer
Gudalur 3rd Grade
Municipality, Gudalur
Nilgris District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent relating to proceedings in Na.Ka. No. 234/06 dated 23.02.2006 and to quash the same in so far as the date of regularisation of services of the petitioner is concerned and consequently direct the respondents herein to regularize the services of the petitioner in time scale of pay after expiry of three years from the date of appointment made in pursuant to the Government order issued in G.O. Ms. No.198 Municipal Administration and Water Supply Department dated 19.10.2008 and in accordance with law with all attendant benefits including arrears of salary with interest and to pass such further orders.

For Petitioner : Mr.G. Sankaran
For Respondents : Mr. R. Karthikeyan,
Additional Government Pleader

O R D E R

This writ petition is filed seeking to quash the proceedings of the 3rd respondent in Na.Ka. No. 234/06 dated 23.02.2006 in so far as the date of regularisation of services of the petitioner is concerned and consequently direct the respondents herein to regularize the services of the petitioner in time scale of pay after expiry of three years from the date of appointment made in pursuant to the Government order issued in G.O. Ms. No.198 Municipal Administration and Water Supply Department dated 19.10.2008 and in accordance with law with all attendant benefits including arrears of salary with interest.

2. The learned counsel for the petitioner would submit that the issue involved in this Writ Petition is squarely covered by the Division Judgement of this Court in W.P. Nos. 688 of 2015 etc. batch of cases, N. Arumugam & 2 ors. vs. R. Ranganathan & Ors. etc., dated 01.09.2015.

3. The learned counsel for the respondents would submit that against the aforesaid order, a Review Application was filed and the same has been allowed. Challenging the same, the Government has filed an appeal in SLP No.21935 of 2017, wherein interim order was granted and the matter is pending before the Hon'ble Supreme Court.

4. According to learned counsel for the petitioner, relief has been granted to the similarly placed persons and hence the same benefit may be extended to this petitioner also, subject to the result of the appeals pending before the Hon'ble Supreme Court.

5. In the light of the above said submission of the learned counsel for both the parties and the facts of the case, the 3rd respondent is directed to consider the petitioner's representation dated 15.09.2010 and pass orders, in accordance with law, taking note of the aforesaid order of this Court in W.P. Nos. 688 of 2015 etc. batch of cases, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, accordingly. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Secretary
Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George, Chennai - 600 009.

2. The Commissioner of
Municipal Administration
Chepauk, Chennai - 600 005.

3. The Executive Officer
Gudalur 3rd Grade
Municipality, Gudalur
Nilgris District.

+1cc to Mr. P.Srinivas, Advocate SR.No. 9289

+1cc to Mr.G. Sankaran , Advocate SR.No. 9194

+1 CC TO GOVERNMENT PLEADER SR.NO. 9744

W.P. No. 17083 of 2011
and

M.P. No. 2 of 2011

A.SK(11/03/2019)



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