

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2019

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.25149 OF 2014

M.Sharmila

...Petitioner

Versus

1.Principal Secretary to Government,
Municipal Administration and Water Supplies
Department,
For St.George, Chennai - 600 009.

2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai - 600 108.

3.The Commissioner, Municipal Adminstration,
Chepauk, Chennai - 600 006.

4.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

5.The Executive Engineer,
Corporation of Chennai
Zone XIV, Zonal Office,
Puzhuthivakkam, Perungudi,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to bring the petitioner into time-scale of pay by regularizing her service taking into account of her original date of appointment, in the light of G.O.Ms.No.199 Municipal Administration and Water Supplies Department dated 12.08.1997 and G.O.Ms.No.84 Municipal Administration and Water Supplies Department dated 21.05.1998 and the judgment of the Division Bench of this Court passed in W.A.Nos.47 & 385 of 2010 dated 23.06.2010, with an consequential service and monetary benefits, within a time-frame as deem fit.

For Petitioner : Ms.Daisy

For Respondents - 1 to 3 : Mr.B.Anand,
Government Advocate

For Respondents - 4 & 5 : Mr.V.C.Selvasekaran

O R D E R

The petitioner in this Writ Petition has prayed for a Writ of Mandamus to direct the respondents herein to bring her into time-scale of pay by regularizing her service taking into account her original date of appointment, in the light of G.O.Ms.No.199 Municipal Administration and Water Supplies Department dated 12.08.1997 and G.O.Ms.No.84 Municipal Administration and Water Supplies Department dated 21.05.1998 and the judgment of the Division Bench of this Court passed in W.A.Nos.47 & 385 of 2010 dated 23.06.2010, with an consequential service and monetary benefits, within a time-frame as this Court deems fit.

2. The petitioner was appointed as Typist on 26.06.2006 by the Panchayat Board resolution dated 26.06.2006 as per the orders of the District Collector. From the date of her appointment, she has been continuously working as full-time employer for the past 8 years, without any break. Though she has been working continuously, she has not been inducted into the regular establishment, despite possessing the mandatory requirements to hold the post, to which, she was appointed whereas the services of similarly situated persons have been regularized from the date of completion of three years from the date of their appointment. Despite several representations have been made by the petitioner for regularization of her service, her service has not been regularized by the Department. Therefore, left with no alternative, the petitioner has filed the present Writ Petition for the relief stated supra.

3. The learned counsel appearing for petitioner has drawn the attention of this Court to an judgment passed by the Division Bench in W.A.Nos.47 & 385 of 2010 dated 23.06.2010, wherein, this Court has dealt with a case of similar nature and observed as follows:

"3. The learned Single Judge on the basis of the judgment rendered by a Division Bench of this Court in W.A.No.1454 of 2007, dated 19.12.2008 in the case of Director of Town Panchayat, Kuralagam, Chennai and two

others Vs. R.Sundaradas, allowed the writ petitions and held that the writ petitioners are entitled to the time scale of pay only from the date when they completed three years on consolidated pay and not from any subsequent date. Aggrieved by the same, the respective Panchayats have filed the above appeals.

4. We have perused the judgment dated 10.12.2008 rendered by the Division Bench of this Court in the aforementioned appeal. In our view, as rightly held by the learned Single Judge, the present cases are squarely covered by the said Division Bench Judgement. We do not find any reason to differ with the view taken by the learned Single Judge. There being no merit in the appeals, they stand dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed. However, there will be no order as to costs."

The Learned counsel for petitioner further submitted though challenging the aforesaid judgment of this Court, the Executive Officers preferred an Appeal before the Honourable Supreme Court in SLP.No.26605 of 2010 dated 27.09.2010 which was dismissed by the Honourable Apex Court and the petitioners therein had also got the benefit of the order of this Court. Therefore, the similar relief may be granted to the petitioner.

4. Heard the learned counsels on both sides.

5. Considering the facts and circumstances of the case and in the light of the order passed by the Honourable Supreme Court, this Court directs the petitioner to make a representation before the fourth respondent and on receipt of the said representation, the fourth respondent is directed to pass appropriate orders on merits and in accordance with law as expeditiously as possible by taking note of the judgement passed by this Court in W.A.Nos.47 & 385 of 2010 dated 23.06.2010 and G.O.Ms.No.570 Municipal Administration and Water Supplies Department dated 15.11.2010.

6. This Writ Petition is disposed of with the above directions. However, there shall be no order as to costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Municipal Administration and Water Supplies
Department, For St.George,
Chennai - 600 009.

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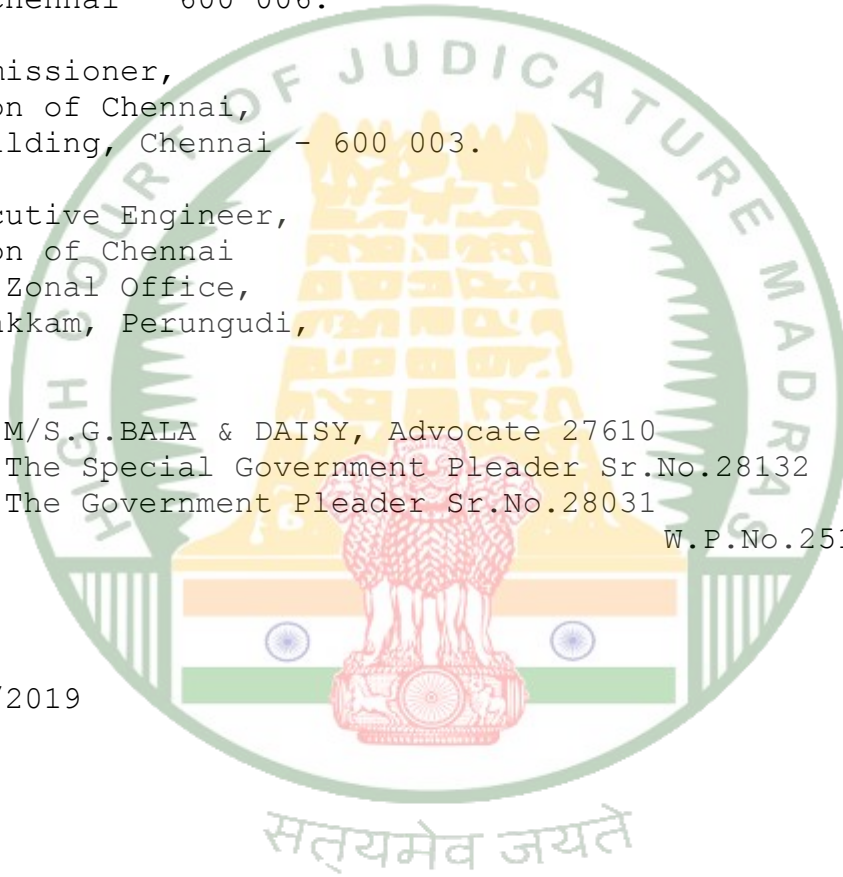
5.The Executive Engineer,
Corporation of Chennai
Zone XIV, Zonal Office,
Puzhudhivakkam, Perungudi,
Chennai.

- 1 cc to M/S.G.BALA & DAISY, Advocate 27610
- 1 cc to The Special Government Pleader Sr.No.28132
- 1 cc to The Government Pleader Sr.No.28031

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SSV(CO)

RRI 08/06/2019



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