

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.32860, 32863, 32866, 32930, 32933 & 32936 OF 2019

M.Selvam .. Petitioner in WP.32860/2019
A.Vaitheeswaran .. Petitioner in WP.32863/2019
M.Subramanian .. Petitioner in WP.32866/2019
K.Selvamani .. Petitioner in WP.32930/2019
A.Murugan .. Petitioner in WP.32933/2019
A.M.Mathivanan .. Petitioner in WP.32936/2019

Vs

- 1 Government of Tamil Nadu
Rep. by Principal Secretary Municipal
Administration and Water Supply Department
Secretariat Chennai 600 009.
 - 2 The Commissioner of Municipal
Administration Chepauk Chennai 600 005.
 - 3 The Regional Director of
Municipal Administration Salem Region
Salem.
 - 4 The Municipal Commissioner
Edappaadi Municipality Edappaadi Salem
District.
- Respondents in all WPs.

Prayer in common:

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the respondents to regularize the services of the petitioners' with effect from 25/12/1993, 09.02.1990, 27.07.1993, 09.02.1990, 09.02.1990, 10.02.1995 respectively, instead of restricting the same only from 22/02/2006 and to grant them all consequential service and monetary benefits within a limited time frame.

For Petitioner
in all WPs. : Mr.M.Ravi

For Respondents
in all WPs : Mr.A.N.Thambidurai,
SP1.G.P for R1 to R3

: Mr.Lourdu Paul Maurya for R4

COMMON ORDER

1. These present writ petitions have been filed by the petitioners praying for the issuance of Writ of Mandamus, to direct to regularize the services of the petitioners' with effect from 25/12/1993, 09.02.1990, 27.07.1993, 09.02.1990, 09.02.1990, 10.02.1995 respectively, instead of restricting the same only from 22/02/2006 and to grant them all consequential service and monetary benefits within a limited time frame.
2. Heard both sides.
3. According to the petitioners, they have been sponsored by the Employment Exchange subjected to interview were appointed as Watchman, Park attendant, Drivers on daily wages basis, between 1990-93 and even though the petitioners served on daily wage basis for more than 13 years from 1992 to 22.02.2006, their services have not been regularized from the date of their initial appointment. Having continuously served for more than the stipulated period of 13 years, they are entitled to have their services regularized from the date of their initial appointment in regular time scale of pay, by virtue of the principle laid down in Uma Devi's case by the Hon'ble Supreme Court. That apart only on the basis of their services qualification for appointment, they were absorbed in Edappaadi Municipality. Hence, their services have to be regularized from the date of their initial appointments instead of from 22.02.2006. As several such similar claims have been allowed, the petitioners made various representations to the departmental authorities and there being no response, they have submitted a detailed representation dated 02.01.2018 to the first respondent and since there was no response, they have submitted a reminder representation dated 31.07.2018. The grievance of the petitioners have not been redressed till date. Hence these writ petitions.
4. The learned counsel for the petitioners would submit that the petitioners have rendered more than 13 years of service from 1992 to 22.02.2006, their services have not been regularized

from their date of initial appointments. Hence, the learned counsel would pray that it would suffice if this Court directs the respondents to consider and dispose of the representation dated 02.01.2018, made by the petitioners in accordance with law.

5.The learned counsel appearing for the forth respondent would vehemently apposed to grant any relief to the petitioners since the services of the petitioners have been regularized from the date of their acquiring qualifications. Therefore, they are not entitled to regularize from the date of their initial appointment, hence he seeks dismissal of the writ petitions.

6.The learned Special Government Pleader appearing for the respondents 1 to 3, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioners dated 2.01.2018, would be disposed of in accordance with law.

7.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, I am inclined to issue a direction to the 1st respondent to consider the representation dated 02.01.2018 made by the petitioners and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above observation, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

jrs

To

- 1 Principal Secretary Municipal
Administration and Water Supply Department
Secretariat Chennai 600 009.
- 2 The Commissioner of Municipal
Administration Chepauk Chennai 600 005.

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- 3 The Regional Director of
Municipal Administration Salem Region
Salem.
- 4 The Municipal Commissioner
Edappaadi municipality Edappaadi Salem
District.

+1cc to Mr.Lourdu Paul Maurya, Advocate, S.R.No.99032
+1cc to the Government Pleader, S.R.No.98413

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32933 & 32936 of 2019

JP (CO)
CS/30/01/2020



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