

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32188 of 2019

D.RAMAMOORTHY

... Petitioner

Vs

1 The Principal Secretary to Government,
Municipal Administration and water
Supplies Department, Fort St.George,
Chennai 600 009.

2 The Commissioner,
Corporation of Chennai Rippon Building,
Chennai 600 003.

3 The Zonal Officer,
Corporation of Chennai, Zone XIV
Puzhuthivakkam, Chennai 600 091.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to regularize the services of the petitioner on completion of 3 years of service from date of his original appointment i.e. with effect from date of his original appointment i.e. with effect from 22/07/1995 in the light the orders passed by the 1st respondent herein in G.O.(2D) No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08/08/2019 and G.O.(2D) No.68 municipal Administration and water supplies (MC 3) Department dated 27.08.2019, with all consequential service and monetary benefits, within a time frame as deem fit and proper by this Court.

For Petitioner : Mr.G.Bala and Daisy

For Respondents : Mrs.R.Janaki, AGP for R1

: Mrs. Karthika Ashok for R2 and R3

ORDER

1.The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents herein to regularize the services of the petitioner on completion of 3 years of service from date of his original appointment i.e.

with effect from date of his original appointment i.e. with effect from 22/07/1995 in the light the orders passed by the 1st respondent herein in G.O.(2D) No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08/08/2019 and G.O.(2D) No.68 municipal Administration and water supplies (MC 3) Department dated 27.08.2019, with all consequential service and monetary benefits, within a time frame as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the R1 and the learned counsel appearing for R2 and R3.
3. The case of the petitioner is that the petitioner was appointed as Electrician on 21.07.1992 on daily wage basis in Kottivakkam Panchayat, Chennai and from the date of his appointment he has been continuously working till now without any break. The grievance of the petitioner is that though he is continuously working for the last three decades, his services have not been regularised and he made several representations to the respondents seeking regularization of his service. One such representation, the petitioner made on 14.10.2019 to the respondents seeking regularization of his service. As there is no action is forthcoming from the respondents the petitioner is before this Court.
4. The learned counsel appearing for the petitioner would submit all along for the last three decades the petitioner has been longing for regularization of his service and despite several representations, the respondent has not considered the claim of the petitioner in the matter of regularization of his service. The learned counsel would draw the attention of this Court's order in WP.No.17858/2014 which was moved by similarly placed daily rated workers before this Court wherein, this Court has held that they are entitled for regularisation of their services on completion of three years with all consequential monetary benefits and accordingly directed the respondents therein to regularise the services. The matter went up to the Hon'ble Supreme Court and the decision of this Court was uphold. Consequentially the service of those similar persons came to be regularised by the first respondent by issuing G.O (2D) No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019. Therefore, the learned counsel would implore this Court to give direction to the respondents to consider the claim of the petitioner for regularisation of his services.

5.The learned Special Government Advocate appearing for the respondents would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.

6.Considering the facts and circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondent is directed to consider and dispose of the representation dated 14.10.2019 made by the petitioner in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary to Government,
Municipal Administration and water
Supplies Department, Fort St.George,
Chennai 600 009.
- 2 The Commissioner,
Corporation of Chennai Rippon Building,
Chennai 600 003.
- 3 The Zonal Officer,
Corporation of Chennai, Zone XIV
Puzhuthivakkam, Chennai 600 091.

+1 cc to M/s.G.Bala & Daisy, Advocate Sr.No. 95338

+1 cc to M/s.Karthikaa Ashok,Advocate Sr.No. 95783

+1 cc to The Government Pleader Sr.No.96087

AKM/02.01.2020/3P- 7C /

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