



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33815 of 2019

and W.P.Nos.34325, 34327 & 34328 of 2019

Kovai Mavatta Uraga Valarchi Ullachithurai
Uliyar Sangam (affiliated to CITU),
Rep. by District General Secreatary,
No.127, Somasundaram Mill Road,
Anuparpalayam, Kattur,
Coimbatore - 641 009.

... Petitioner

-Vs-

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Commissioner,
Corporation of Coimbatore,
Coimbatore.
3. Vishnu Infrastructures,
No.2/50, Kangeyampalayam Post,
Sulur, Coimbatore - 641 401.
4. Constructionics India,
No.149/3, Bhuvaneswari Nagar,
1st Main Road, Velachery, Chennai - 600 042.
5. Hosur Builders,
No.15G, Maranatha Colony,
TVS Main Road, Hosur - 635 114.
6. S.P.Builders,
No.5/200, Sivan Koil Street,
Mogappair West, Chennai - 600 037.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Recruitment Notice issued by the 2nd respondent bearing Na.Ka.No.4272/2018/M.C.5 dated 30.10.2019 calling for applications for filling up 549 posts of sanitary workers and



quash the same and consequently direct the 2nd respondent to absorb the members of the petitioner Union as per seniority in the said recruitment before resorting to direct recruitment.

For Petitioner : Mr.K.M.Ramesh
For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader for R1

Mr.Jayaprakash Narayanan
Government Pleader for R2

ORDER

This writ petition has been filed challenging the impugned recruitment notification issued by the 2nd respondent dated 30.10.2019 calling for applications to fill up 549 posts of sanitary workers.

2.The petitioner is a Sangam affiliated to CITU Union. The member of this Sangam are the sanitary workers who claim to have worked in the Coimbatore Corporation for periods ranging from 3 years to 15 years. In view of the continuous engagement of the sanitary workers by the Coimbatore Corporation, the petitioner Sangam has been making repeated representations to the 2nd respondent to regularize the workmen. The representation was not considered and on the other hand a recruitment notification has been issued by the 2nd respondent, resorting to direct recruitment to the post of sanitary workers.

3.It is the claim of the petitioner Sangam that the members belonging to the Sangam have been engaged on a very regular basis as sanitary workers and that over looking the claim made by the members of the petitioner Sangam, the 2nd respondent has gone ahead and issued recruitment notification.

4.Heard Mr.K.M.Ramesh, learned counsel appearing on behalf of the petitioner, Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the 1st respondent and Mr.Jayaprakash Narayanan, learned Government Pleader appearing on behalf of the 2nd respondent.

5.Admittedly, in this case a representation has been made by the Sangam right from the year 2015 onwards to regularize the workmen who have been engaged on a continuous fashion, however, this representation was not considered. Therefore, the workmen are placed in a very dicey situation and they cannot even participate in the recruitment due to age bar.



6. In order to strike a balance, there shall be a direction to the 2nd respondent to consider the representation made by the Sangam strictly in accordance with law and take a decision as to whether the members of the Sangam who are already working as sanitary workers are going to be regularized. By taking a decision, the members of the Sangam will at least come to know as to where they stand and what is going to be their future. The recruitment notification can be kept in abeyance till a decision is taken by the 2nd respondent on the representation made by the Sangam. The 2nd respondent shall dispose of the representation within a period of four weeks from the date of receipt of copy of this order and based on the final decision reached by the 2nd respondent, he can decide on the future course of action with regard to the filling up of the post. The petitioner Sangam shall give a fresh representation to the 2nd respondent along with the copy of this order.

7. This writ petition is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

+1 cc to M/s.K.M.Ramesh, Advocate Sr.No. 101123
+1 cc to The Government Pleader Sr.No. 101673
+1 cc to M/s.V.Jayaprakash Narayanan, Advocate Sr.No. 101199

AKM/20.01.2020/3P-6C /

W.P.No.33815 of 2019
and W.P.Nos.34325, 34327 & 34328 of 2019