



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.10967 of 2019

WEB COPY

- 1.N.Pandian
- 2.V.Mahalakshmi
- 3.S.Subburaj
- 4.K.Selvam
- 5.G.Ramasamy
- 6.M.Karuppasamy
- 7.M.Palanisamy
- 8.M.Rajendran
- 9.S.Velankanni

... Petitioners

vs.

- 1.The Principal Secretary,
Municipal Administration & Water Supply Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
Santhom High Road,
Chennai - 600 028.
- 3.The Director of Local Fund Audit,
Integrated Finance Department Office Complex,
Nandanam, Chennai - 600 035.
- 4.The Commissioner,
Theni-Allinagaram Municipality,
Theni, Theni District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 & 4 to consider and pass appropriate orders on the representations of the petitioners' dated 29.03.2019 and 01.04.2019 in the light of Para.No.3(I) of G.O.Ms.No.71, Municipal Administration and Water Supply (Na.Pa.3) Department, dated 05.05.1998 and the subsequent clarification issued by the second respondent in Na.Ka.No.35467/2015/J3, dated 25.01.2017 within the period that may be stipulated by this Court.

For Petitioners : Mr.K.Ponniah
for M/s.Ajmal Associates

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader
<https://hcservices.ecourts.gov.in/hcservices/>

**ORDER**

The Writ Petition is filed seeking a direction to the respondents 2 & 4 to consider and pass appropriate orders on the representations of the petitioners' dated 29.03.2019 and 01.04.2019 in the light of Para.No.3(I) of G.O.Ms.No.71, Municipal Administration and Water Supply (Na.Pa.3) Department, dated 05.05.1998 and the subsequent clarification issued by the second respondent in Na.Ka.No.35467/2015/J3, dated 25.01.2017 within the period that may be stipulated by this Court.

2. Heard the learned Counsel for the petitioners and the learned Additional Government Pleader, who takes notice for the respondents.

3. The case of the petitioners is that the petitioners were appointed as substitute sweepers on 12.12.2000 and subsequently, after completion of 15 years of service, they were appointed as Sweepers on consolidated pay, pursuant to G.O.Ms.No.71, dated 05.05.1998. Thereafter, the services of the petitioners were regularized by the proceedings of the fourth respondent, dated 28.03.2006, with effect from 23.02.2006. According to the petitioners, the said regularization was made erroneously as against the orders issued in G.O.Ms.No.71, dated 05.05.1998. Hence, the petitioners made representations to the respondents dated 29.03.2019 and 01.04.2019 seeking to regularize their services with effect from 12.12.2001.

4. The learned Additional Government Pleader appearing for the respondents submitted that the representations of the petitioners would be considered by the respondents on merits, within a time frame as fixed by this Court.

5. Considering the nature of the relief sought for by the petitioners and having regard to the submissions made by the learned Counsel on either side, without going into the merits of the case, the respondents are directed to consider the representations of the petitioners dated 29.03.2019 and 01.04.2019 seeking to regularize their services and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /



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To

1.The Principal Secretary,
Municipal Administration & Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Santhom High Road,
Chennai - 600 028.

3.The Director of Local Fund Audit,
Integrated Finance Department Office Complex,
Nandanam, Chennai - 600 035.

4.The Commissioner,
Theni-Allinagaram Municipality,
Theni, Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate
(SR-63655[F] dated 29/04/2019)

+1 CC to M/s.SPL GP (SR-64916[F] dated 02/05/2019)

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29.04.2019

ES/17.05.2019/3P/7C