

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 13390 of 2013

1.Radha E.
2.Velliangiri R.
3.M.Hamsa
4.Bhanumathy.S
5.S.Saraswathy
6.L.Bhagyalakshmi
7.K.Pappathy
8.S.Valarmathi
9.M.Vijaya
10.M.Mohan
11.M.Bharathy

.. Petitioners

- Vs -

1.Commissioner
Corporation of Coimbatore,
Coimbatore South Region
Coimbatore.

2.Asst. Commissioner
Corporation of Coimbatore,
South Region
Kuniamuthoor
Coimbatore District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to regularize the service of the petitioners as sanitary workers in the time scale of pay after completion of 3 years with consequential benefits.

For Petitioners : No Appearance
For Respondents : Mr.J.Sathya Narayana Prasad

ORDER

The present writ petition has been filed for direction to the respondents to regularize the service of the petitioners as sanitary workers in the time scale of pay after completion of 3 years with consequential benefits.

2. This matter has been on board and has been repeatedly adjourned for non-appearance of the learned counsel for the petitioners. Today the matter is listed and even today there is no representation for the petitioners. In spite of the phone number of the Judge has been given in the cause list to enable the counsel, who could not connect through virtual hearing to put forth their case over phone, in spite of repeated adjournments, there is no appearance for the petitioners. In such circumstances, the matter being of the year 2013, this Court is inclined to take up the same and dispose of the same on merits as the order, which is proposed to be passed, would in no way be a detriment to the petitioners.

3. The case of the petitioners is that the petitioners were appointed as Sanitary workers in South Zone, Coimbatore City Municipal Corporation and that they were formerly employed in the Kurichi Town Panchayat from the year 1995. The petitioners were employed as sanitary workers in erstwhile Kurichi Town Panchayat which was later merged with Coimbatore Corporation. These petitioners were appointed as daily rated NMR workers during the year 1995-96, as and when the regular employees went on leave, the petitioners services were utilized by then Kurichi Municipality and subsequently Coimbatore Municipality also. In the mean while, these petitioners came to know that the Corporation was going to appoint sanitary workers who had completed 3 years of service and, hence the petitioners made a common representation dated 29.03.2019 for regularisation of their employment. Since no order was passed on the said representation, the present petition has been filed.

4. Learned counsel appearing for respondents/corporation filed a counter and denied all the facts as raised in the affidavit filed in support of the petition. Further he stated that there no service registers are with the respondent corporation relating to the petitioners. Further, G.O. Ms. No.199, dated 12.08.1997 and G.O.Ms.NO.125 dated 27.05.1997 are applicable only to the Sanitary workers who were appointed by the Govt/Urban/Local Bodies and, therefore, no question arise for regularizing the unknown persons who are not even appointed by the Govt/Urban/Local Bodies and no documents are available relating to the appointment of the petitioners. Further, no evidence has also been produced by the petitioners to substantiate their claim till date, hence he prays for dismissed the petition.

6. This Court gave its anxious consideration to the submission of the learned counsel for the respondent and also perused the affidavit filed by the petitioners in support of their contentions and all the other materials available on record.

7. The materials available on record reveal that the services of these petitioners were temporarily utilized by the then municipality as and when regular sanitary workers went on leave. The record further reveals that except for three appointment orders issued by the Kurichi Municipality to one Andal, Kaliammal and Kogilamani, who were appointed based on the G.O.Ms.No. 21, no other appointment order is found enclosed. Such being the case, in the absence of proof, the petitioners cannot seek a mandamus. In the above backdrop of the facts and circumstances of the case, this Court is of the considered view that no mandamus, as sought for could be issued. Accordingly this writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs
To

1.Commissioner
Corporation of Coimbatore,
Coimbatore South Region
Coimbatore.

2.Asst. Commissioner
Corporation of Coimbatore,
South Region
Kuniamuthoor
Coimbatore District.

A.SK(06/10/2020)

सत्यमेव जयते

W.P. NO.13390 OF 2013

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