

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.14104 of 2013
and
M.P.No.1 of 2013

1.K.Subramani
2.R.Arthanari
3.S.Chinnathurai
4.M.Periyasamy
5.P.Marimuthu

.... Petitioners

- Vs -

1. The Government of Tamil Nadu rep by the Secretary to Government, Municipal Administration & Water Supply Dept., Fort.St.George, Chennai 600 009.
2. The Commissioner of Municipal Administration, Ezhilagam Annexe Building, VI floor Chepauk, Chennai 600 005.
3. The Commissioner Thiruchengodu Municipality, Thiruchengodu, Pin 637 211, Namakkal district.

.. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent in Na.Ka.NO.4042/01/H1 dated 01.03.2006 and quash the same in so far as it restricts regularisation of petitioners' service only from 23.02.2006 and direct the respondents to regularised their services with effect from 01.07.2001 in terms of G.O.Ms.NO.101 Municipal Administration and Water Supply Department dated 30.04.1997 and grant them all consequential benefits.

For Petitioners
For Respondents

: M/S.P.Manojkumar
: Mr.A.N.Thambidurai, Spl.G.P

ORDER

According to the writ petitioners, they are entitled to regularisation of their service on completion of three years from the date of initial appointment/entry into service. All the petitioners are similarly situated, having been appointed during the period 1996 - 2001 in the posts of Sweeper, Electrician, Fitter, etc. against the vacancies created by separate Government Orders issued by the Municipal Administration and Water Supply Department in G.O. Ms.No.199 dated 12.08.1997, G.O. Ms.No.72 dated 05.05.1998, G.O. Ms. No.84 dated 21.05.1998 and G.O. Ms.No.198 dated 26.10.1998 for a period of one year on consolidated pay/daily wages. The said one year tenure was renewable for a maximum period of three years. The said Government Orders as well as the appointment orders issued to the respondents prescribe for grant of regular time scale of pay on assessment of the petitioner's performance, after a period of three years. The grievance of the petitioners is that in order to regularise their services, the 3rd respondent issued order dated 01.03.2006, restricting their regularisation only from 23.06.2006, which according to the petitioners is contrary to law; the petitioners are entitled to be regularised in service with effect from 01.07.2001, i.e., on completion of 3 years in the consolidated pay; therefore they have been arbitrarily denied their service benefits for the period from 23.06.2006. Moreover most of the petitioners have retired from service on attaining the age of superannuation, without enjoying their service benefits. Several representations were made by the petitioners, which evoked no response from the respondents and left with no other alternative, the petitioners approached this Court by way of filing the above writ petition praying this Court to consider their services, in terms of G.O.Ms.NO.101 Municipal Administration and Water Supply Department dated 30.04.1997 and grant them all consequential benefits.

2. Learned counsel appearing on either side fairly conceded that the issues raised in these writ petitions fell for consideration before a Full Bench of this Court and the same was allowed leading to the filing of a review application No.254/2015, which was also dismissed. Against the said dismissal, Special Leave Petition in SLP.No.(c)19874/2017 was filed before the Hon'ble Supreme Court, and the order of the Full Bench has been stayed by the Hon'ble Supreme Court.

3. In view of the fair stand taken by the learned counsel appearing for the parties, this Court is of the considered opinion, that instead of keeping this case pending on the file of this Court, it would suffice if a direction is issued to the respondents to grant the relief to the petitioners, if any, pursuant to the outcome of the orders to be passed by the Hon'ble Supreme Court in the case pending before it.

4. Accordingly, this present writ petition is disposed of, directing the respondents to grant the relief to the petitioners and other similarly placed persons, if any, pursuant to the outcome of the orders to be passed by the Hon'ble Supreme Court in the case pending before it. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

jrs

To

1. The Government of Tamil Nadu rep by
the Secretary to Government,
Municipal Administration & Water
Supply Dept., Fort.St.George,
Chennai 600 009.

2. The Commissioner of
Municipal Administration,
Ezhilagam Annexe Building,
VI floor Chepauk,
chennai 600 005.

3. The Commissioner
Thiruchengodu Municipality,
Thiruchengodu,
Pin 637 211, Namakkal district
+1cc to Government Pleader, Sr.No.28128

W.P. NO.14104 of 2013

RJI (CO)
GS(19/10/2020)