

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24392 of 2013

And

M.P.No.1 of 2013

K.E.Balaji

... Petitioner

Vs.

1. The Government of Tamil Nadu  
Rep. by its Secretary to Government,  
Municipal Administration & Water Supply Department,  
Fort St.George,  
Chennai - 600 009.
  2. The Principal Secretary & Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.
  3. The Assistant Commissioner,  
(GA & P)  
General Department,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai - 600 003.
  4. The Assistant Commissioner,  
Zone XI (Valasaravakkam),  
Corporation of Chennai,  
Arcot Road, Valasaravakkam,  
Chennai.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioner in Zone XI or any other appropriate Zone / Division in the Corporation of Chennai with effect from his date of appointment, viz., 29.02.2008 by bringing him under time scale of pay and grant all other consequential benefits.

For Petitioner : Mr.K.S.Viswanathan

For Respondents : Mr.A.N.Thambidurai for R1  
Special Government Pleader  
Mrs.Karthika Ashok for R2 to R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to regularize the services of the petitioner in Zone XI or any other appropriate Zone / Division in the Corporation of Chennai with effect from his date of appointment, viz., 29.02.2008 by bringing him under time scale of pay and to grant all other consequential benefits.

2.The case of the petitioner is that the petitioner was appointed on 29.02.2008 in Nerkundram Grade - I Panchayat on consolidated pay basis. The said Panchayat merged with the Corporation of Chennai, when City expansion took place and the petitioner was brought under the Corporation of Chennai on consolidated pay basis. Thereafter the Government of Tamil Nadu issued G.O.Ms.No.385, Finance Department, dated 01.10.2010, as per which, the petitioner ought to have been brought under time scale of pay, however, he was continuously employed on consolidated pay. In this regard, the petitioner made representation to the respondent and since there was no action came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 20.08.2013 in the light of G.O.Ms.No.385, Finance Department, dated 01.10.2010 and to further direct the respondents not to terminate the petitioner from service till a decision is taken by the respondents.

4.The fourth respondent has filed a counter affidavit, from which, it is known that the petitioner has been engaged as temporary conservancy worker by the Executive Officer, Nerkundram I Grade Panchayat and the said Panchayat was merged with the Corporation of Chennai when City Expansion took place and thereafter the petitioner has been engaged by the Corporation of Chennai purely on temporary basis and hence, the petitioner's representation was not considered.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Though the petitioner has annexed copy of G.O.Ms.No.385, Finance Department, dated 01.10.2010, in the typed set of papers and has contended that as per G.O.Ms.No.385, Finance Department, dated 01.10.2010, the petitioner ought to have been brought under time scale of pay, nothing has been averred in the counter affidavit filed by the fourth respondent about G.O.Ms.No.385, Finance Department, dated 01.10.2010.

7.Hence, this Court directs the respondents to consider the petitioner's representation dated 20.08.2013 in the light of G.O.Ms.No.385, Finance Department, dated 01.10.2010 and in accordance with law and to pass appropriate orders, within a period of six months from the date of receipt of a copy of this order. Till such time, the petitioner's service shall not be terminated.

8.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,  
Municipal Administration & Water Supply Department,  
Fort St.George,  
Chennai - 600 009.
  - 2.The Principal Secretary & Commissioner,  
Corporation of Chennai,  
Rippon Buildings, Chennai - 600 003.
  - 3.The Assistant Commissioner,  
(GA & P)  
General Department,  
Corporation of Chennai,  
Rippon Buildings, Chennai - 600 003.
  - 4.The Assistant Commissioner,  
Zone XI (Valasaravakkam),  
Corporation of Chennai, Arcot Road,  
Valasaravakkam, Chennai.
- +1 cc to The Government Pleader, Sr.No. 33862

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RSV(CO)  
RMP(11/11/2020)