

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.24497 of 2013

1. S.Muralidharan
2. S.Senthil Kumar
3. S.Jaishankar
4. S.Chinniah
5. S.Thamin Unnissa
6. G.Mariyamma
7. A.Jayaraman
8. K.Arumugam
9. J.Murugan
10. Thiruppathamma

... Petitioners

vs.

- 1.The Government of Tamilnadu
Rep.by its Secretary to Government
Municipal Administration
& Water Supply Department,
Fort.St.George, Chennai 600 009.

2. The Commissioner,
Corporation of Chennai
Rippon Buildings,
Chennai 600 003.

3. The Superintending Engineer,
Solid Waste Management Department
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the service of the petitioners in the post of Sanitary Workers in the Solid Waste Management Department of the Corporation of Chennai with effect from 14.10.2002 as per G.O.Ms.No.158 MA & WS Department dated 19.06.1997 and G.O.Ms.No.277 MA & WS Department dated 29.05.1998 together with arrears of pay and all other consequential benefits.

For Petitioners	:	Mr. T.Hemalatha
For R1	:	Mr. S.Thangavel, Spl.GP
For R2 & R3	:	Mr.R.Gopinath

ORDER

Petitioners have come up with this Writ Petition seeking a direction to the respondents to regularize the service of the petitioners in the post of Sanitary Workers in the Solid Waste Management Department of the Corporation of Chennai with effect from 14.10.2002 as per G.O.Ms.No.158 MA&WS Department dated 19.06.1997 and G.O.Ms.No.277 MA&WS Department dated 29.05.1998 together with arrears of pay and all other consequential benefits.

2. According to the Petitioners, they joined the services of the Chennai Corporation as Sanitary workers on temporary basis. While so, the Government passed G.O.Ms.No.158 dated 19.06.1997, thereby, granting appointment to 1688 daily wage employees in the existing vacancies in the post of Sanitary Workers. It was further directed in the said Government Order that based on the functioning and quality of work rendered by the said Sanitary Workers appointed on consolidated pay and exigencies of work, the Corporation of Chennai may take necessary steps to bring them under time scale of pay, after a period of three years. Subsequently, by G.O.Ms.No.187 dated 24.07.1997, guidelines were also issued to bring those 1688 employees under the time scale of pay on priority basis. However, the services of the petitioners were not regularized. In respect of their grievance, the Petitioners made a representation dated 29.07.2013 to the Respondents, but the same was not considered, till date. Finding no other option, the Petitioners have come up with the present Writ Petition.

3. Learned counsel for the Petitioners submitted that, the representation dated 29.07.2013 made by the Petitioners may be directed to be considered by the Respondents in the light of G.O.Ms.No.158 MA & WS Department dated 19.06.1997 and G.O.Ms.No.277 MA & WS Department dated 29.05.1998 and appropriate orders be passed within a reasonable time to be fixed by this Court.

4. Learned Standing Counsel appearing for the Respondents/Corporation has no objection in granting such relief to the petitioner.

5. Having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the Respondents to consider the Petitioners' representation dated 29.07.2013 as regards regularization of service, if they are otherwise eligible, on merits and in accordance with law and also in the light of G.O.Ms.No.158 MA & WS Department dated 19.06.1997 and G.O.Ms.No.277 MA & WS Department dated 29.05.1998 and pass appropriate orders within a period of twelve weeks (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

av/aeb

To

1. The Secretary,
The Government of Tamilnadu,
Municipal Administration
& Water Supply Department,
Fort.St.George, Chennai 600 009.

2. The Commissioner,
Corporation of Chennai
Rippon Buildings,
Chennai 600 003.

3. The Superintending Engineer,
Solid Waste Management Department
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

+1cc to the Government Pleader SR.NO.37549

+1cc to Mr.R.Gopinath Advocate SR.NO.37325

W.P.No.24497 of 2013

PVS CO
SDR 18/12/2020

सत्यमेव जयते

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