

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :12.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 32142 & 30528 OF 2013

W.P.No.32142/2013

- 1.A.Thangamuthu
- 2.R.Chokkalingam
- 3.V.Govindaraj
- 4.D.Palanivelu
- 5.M.Saravanan,
- 6.R.Villalan
- 7.V.Velan
- 8.P.Sagadevan

... Petitioners

W.P.No.30528/2013

- 1.K.Udayakumar,
- 2.K.Narashimman
- 3.K.Rajendran
- 4.D.Aruldass,
- 5.A.Mani
- 6.J.Jayaseelan
- 7.Y.Premkumar
- 8.K.Venkatesan
- 9.R.Sivaraj
- 10.M.Devadhanam
- 11.A.Ponnusamy,
- 12.K.Aruldoss Allbert,
- 13.N.Chidambaram,
- 14.M.Karunanithi
- 15.R.Kumar,
- 16.A.Shanmugam
- 17.A.Kumar,
- 18.P.Isravel
- 19.A.Mariya Rose

... Petitioners

- Vs -

- 1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort. St.George,
Chennai 600 009.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.

3.The Regional Director of Municipal Administration,
Kagithapattarai,
Sarathy Nagar, Vellore,
Vellore District.

4.The Commissioner,
Vellore City Municipal Corporation,
Vellore,
Vellore District.

.. Respondents in both WPs.

Common Prayer:

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, to direct the respondents to consider and pass orders on the representations dated 27.08.2013 made by the petitioners regarding regularization of their services from the date of completion of three years of service in the post of Sanitary Workers on consolidated pay as per G.O.528, P& AR department, dated 10.10.1988 and to appoint them to the post of Sanitary Supervisor considering their educational qualification within the time to be stipulated by this Court.

In both WPs.

For Petitioners : Mr.R.Chandrasekaran

For Respondents : Mr.S.Thangavel, Spl.G.P., For RR1 to 3

: Mr.Silambanan, SC for R4

ORDER

As the relief sought for in both the petitions are similar, they are disposed of by this common order.

2. These Writ petitions have been filed by the petitioners, to direct the respondents to consider and pass orders on the representations dated 27.08.2013 made by the petitioners regarding regularization of their services from the date of completion of three years of service in the post of Sanitary Workers on consolidated pay as per G.O.528, P& AR department, dated 10.10.1988 and to appoint them to the post of Sanitary Supervisor considering their educational qualification within the time to be stipulated by this Court.

3. The case of the petitioners is that they were initially appointed as sanitary workers in the year 1992, through employment exchange, based on their respective education qualification, in the 4th respondent Municipality and the petitioners were discharging their duties sincerely and honestly without giving room for any complaints whatsoever and thereafter as per Government Order in G.O. Ms. No.528, dated 10.10.1988, their services were brought into regular time scale of pay in the year 2000, 2001 and 2006 respectively. The grievance of the petitioners is that the said G.O., stipulates for regular establishment after completion of three years of service on consolidated pay; whereas in the case of petitioners, they were brought into the Regular service after rendering many years of service on consolidated pay, due to which they have lost their promotion to the next higher cadre as sanitary supervisor. According to the petitioners, they are eligible to the next higher cadre based on above said G.O.; basically, the orders were issued by the Government from time to time for the purpose of promoting basic servants to the next higher cadre which is applicable to the petitioners also and they are in possession of necessary qualification for promotion to the post of Sanitary Supervisor. It is the further case of the petitioners that at present there are many vacancies available in the 4th respondent Municipal Corporation to the post of Sanitary Supervisors, though their services had been regularized after completion of three years on Consolidated Pay, while their juniors were promoted to the said post, they claim promotion as Sanitary Supervisors by regularising their services after completion of three years of service from their joining date in service on consolidated Pay. Therefore representations were made by the petitioners on 27.08.2013, 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 petitions with the above said prayer.

4. Learned counsel appearing on either side fairly conceded that the issue raised in this writ petition fell for consideration before a Full Bench of this Court and the same was allowed leading to the filing of a review petition, which was also dismissed. Against the said dismissal, Special Leave Petition was filed before the Hon'ble Supreme Court, and the order of the Full Bench has been stayed by the Hon'ble Supreme Court.

5. 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.

6. Accordingly, this 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. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort. St.George,
Chennai 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
3. The Regional Director of Municipal Administration,
Kagithapattarai,
Sarathy Nagar, Vellore,
Vellore District.
4. The Commissioner,
Vellore City Municipal Corporation,
Vellore, Vellore District.

+1 cc to Mr.R.Chandrasekaran, Advocate Sr.No.26492

+1 cc to the Government Pleader Sr.No.26573

W.P. NO.32142 & 30528 OF 2013

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