

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35109 of 2013

- 1.S.Karunakaran
- 2.G.Elangovan
- 3.K.Jayshankar
- 4.E.Baskar
- 5.E.Prabhakaran
- 6.R.Kamalakaran
- 7.S.Elumalai
- 8.P.Delibabu
- 9.R.Sureshkumar
- 10.S.Muthukumar

(P1 to P3 and P10 are dismissed
as withdrawn vide order
dated 29.04.2019 made in
W.P.No.35109/2013 by SPJ)

... Petitioners

Vs.

1. State of Tamil Nadu
rep. by Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai.
2. Director of Municipal Administration,
Chepauk,
Chennai.
3. The Commissioner,
Maraimalai Nagar Municipality,
Kanchipuram District.

... 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 petitioners as drivers of Marimalai Nagar Municipality, Kanchipuram District and direct the respondents to pay regular time scale appointment order as driver to the petitioners.

For Petitioners: Mr.K.M.Ramesh

For Respondents: Mr.S.Thangavel for R1 and R2
Special Government Pleader
Mr.P.Srinivas for R3

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to regularize their services as Drivers of Marimalai Nagar Municipality, Kanchipuram District and to direct the respondents to pay regular time scale appointment order as Driver to the petitioners.

2.The case of the petitioners is that they were initially appointed as Sanitary Workers in the third respondent Municipality on daily rated basis. Thereafter, vide proceedings of the third respondent dated 16.11.1998, they were brought under consolidated Sanitary Workers and subsequently, their services were regularised and were made permanent. The petitioners are Heavy Motor Vehicle Licence and their next promotional avenue is Driver.

3.It is the further case of the petitioners that as soon as the petitioners were brought under consolidated Sanitary Workers, the third respondent directed the petitioners to work as Drivers, but they were paid the monthly salary of Sanitary Workers. Since all the petitioners are working as Drivers for more than ten years, they made representations to the respondents requesting to regularize their services as Drivers. However, the third respondent is extracting the work of Driver and paying the monthly salary of Sanitary Workers. Hence, this writ petition.

4.The learned counsel appearing for the petitioners would submit that the third respondent Municipal Council has passed Resolutions dated 29.09.2010 and 04.07.2013, creating some Driver posts, however, the same have not yet been implemented. He would further submit that this Court may issue direction to the respondents to implement the Resolutions dated 29.09.2010 and 04.07.2013, within a reasonable time frame.

5.The learned Special Government Pleader appearing for the respondents 1 and 2 as well as the learned counsel appearing for the third respondent have no serious objections for this Court issuing such a direction.

6.Hence, considering the submissions made by the learned counsel appearing for the petitioners, this Court directs the

respondents to implement the Resolutions dated 29.09.2010 and 04.07.2013 in accordance with law if otherwise in order, within a period of three months from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai.
2. Director of Municipal Administration,
Chepauk,
Chennai.
3. The Commissioner,
Maraimalai Nagar Municipality,
Kanchipuram District.

+1 CC to Mr.R.M. Ramesh, Advocate sr 25140.
+1 Cc to Govt. Pleader sr 25292.

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KJ(CO)
SP(13/08/2020)