

IN THE HIGH COURT OF JUDICATURE AT MADRAS

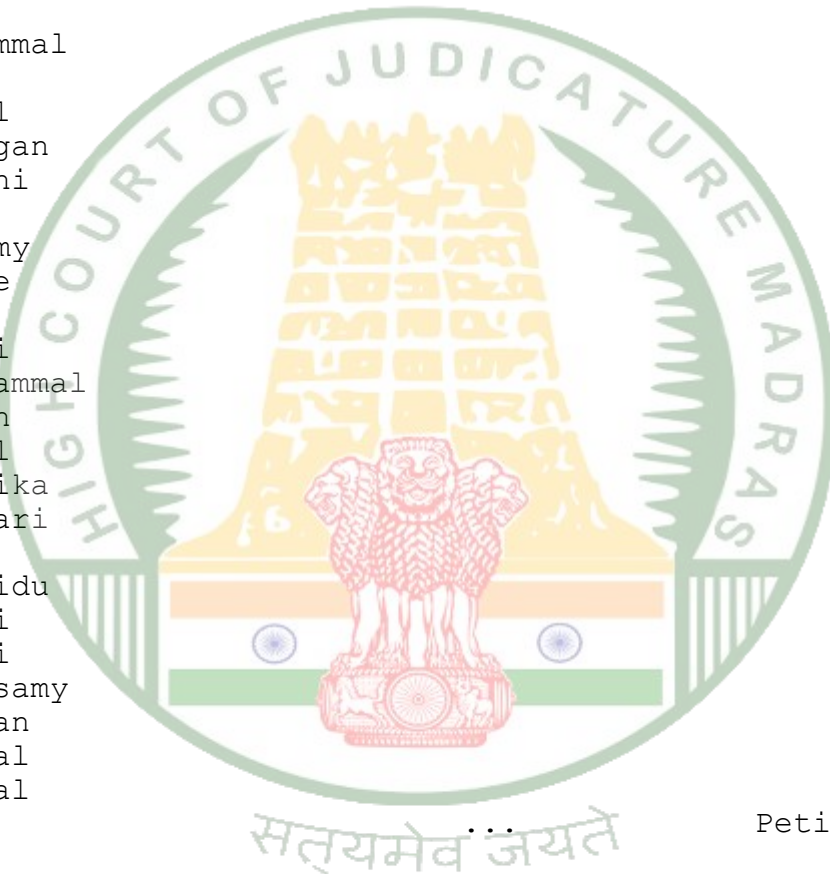
Dated : 19.11.2020

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.6822 of 2013

1. A. Selvaraj,
2. Sarasal
3. Palaniammal
4. Maral
5. G.Pappal
6. G. Murugan
7. Meenakshi
8. Saroja
9. Rangasamy
10. Arrayee
11. Pattae
12. Papathi
13. Palaniammal
14. Murugan
15. Guruval
16. M.Mallika
17. K.Bannari
18. Pappal
19. P.Venkidu
20. Rukmani
21. Ammasai
22. Palanisamy
23. S. Soman
24. Nagammal
25. Nagammal
26. Maran



Petitioners

-vs -

1. The District Collector,
Erode District,
Erode.

2. The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode district.

3. The Director of Municipal Administration,
Chepauk,
Chennai - 5.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to regularise the Service of the petitioners from 27.01.2001 as per G.O. Ms.71, dated 05.05.1998 with all the benefits incidental thereto, such as back wages and seniority.

For Petitioners : Mr.Abrar Md Abdullah
for V.P.Karthikeyan
For Respondents : Mr.S.Thangavel
Spl. Govt. Pleader
for R1 & R3
Mr.V.Subbiah
for R2

ORDER

(This case has been heard through video conference)

Petitioners herein have come up with the above Writ Petition seeking to regularize their services from 27.01.2001 as per G.O.Ms.No.71, dated 05.05.1998 with all benefits incidental thereto, such as backwages and seniority.

2. According to the Petitioners, they were appointed as Sanitary workers based on G.O.Ms.No.71, dated 05.05.1998, on a consolidated pay basis and that, they were paid Rs.2000/- per month. Though, it is their case that, they ought to have been regularized on 27.01.2001 itself, they were regularized only on 28.02.2006 on the basis of G.O.No.21 of 2006, due to which, they are unable to claim their pension, increment and other benefits.

3. By the present Writ Petition, Petitioners claim regularization from the date of their initial appointment, while their services have been regularised from the date of the Government Order. In respect of their grievance, Petitioners made a representation dated 22.11.2012 to the 2nd Respondent herein. However, the same has not been considered so far.

4. The question put before this Court is whether the regularization ought to be from the date of initial appointment or from the date of the Government Order.

5. When the matter is taken up for consideration, learned counsel for the Petitioners submitted that, it would suffice if a direction is issued to the 2nd Respondent to consider the representation dated 22.11.2012 made by the Petitioners in the light of G.O.Ms.No.71, dated 05.05.1998, within a reasonable time.

6. Learned Special Government Pleader appearing for the Respondents 1 and 3 and learned counsel appearing for the 2nd Respondent have no serious objection to the submissions of the learned counsel for the Petitioners.

7. Having regard to the submissions made by the learned counsel on either side and without going into the merits of the case, this Court directs the 2nd Respondent herein to consider the Petitioners' representation dated 22.11.2012 on merits and in accordance with law and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vsi2

To

- 1.The District Collector,
Erode District,
Erode.
- 2.The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode district.
- 3.The Director of Municipal Administration,
Chepauk,
Chennai - 5.

+1cc to the Government Pleader SR.37397

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NMI (CO)
CB(14/12/2020)

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