

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 9175 OF 2013

and

M.P.No.1 of 2013

1.M.Arjunan
2.S.Devaraj
3.V.Devadoss
4.T.Karunkaran
5.A.Saravanan
6.S.P.Sundararajan
7.P.Sekar
8.N.Ravikumar
9.V.Damodaran
10.A.Marimuthu
11.N.Anbu
12.K.Munusamy
13.E.Selvaraj
14.P.Danasekaran
15.K.Purushothaman
16.G.Ettiappan
17.K.Murugavel
18.E.Rajendran

.. Petitioners

- Vs -

1.The Secretary to Government,
Municipal Administration & Water
Supply Dept., Fort.St.George,
Chennai 600 009.

2.Director of Municipal Administration,
Chepauk, Chennai 600 005.

3.The Commissioner,
Pallavaram Municipality,
Chennai-44

.. Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorified Mandamus, calling for the records on the file of the 3rd respondent in his proceeding Na.Ka.No.1356/06/C1 dated 25.05.2006 and quash the same in so far as the petitioners are

concerned and consequently direct the respondents, especially the third respondent to regularise their services with effect from as detailed below:

Sl.No	Name	Date of Appointment as N.M.R.	As per list Sl.No	Consolidated pay of Rs.2,000/ with effect from
1.	M.Arjunan	01.04.1986	1.15.04.2002	A.Sundar (Death) Sanitary Worker
2.	S.Devaraj	01.04.1986	2. 30.06.2002	Tmt.Lakshmi (Rtd.) Sanitary Worker
3.	V.Devadoss	01.03.1993	4. 30.06.2002	James (Rtd.) Sanitary Worker
4.	T.Karunkaran	01.03.1993	5. 30.06.2002	Dayabathamman (Rtd.) Sanitary Worker
5.	A.Saravanan (Death)	01.03.1993	7.16.08.2002	Tmt.Venkatammal Sanitary Worker
6.	S.P.Sundararajan	01.03.1993	8.29.10.2002	Mark (Death) Sanitary Worker
7.	P.Sekar	01.01.1994	9.10.11.2002	Devan (Death) Sanitary Worker
8.	N.Ravikumar	01.03.1994	10. 1.12.2002	Rajendiran (Death) Sanitary Worker
9.	V.Damodaran (Rtd.)	01.06.1994	12. 30.04.2003	Tmt.Mariamammal Sanitary Worker
10.	A.Marimuthu (Rtd.)	01.06.1994	13. 31.05.2003	Tmt.Gopammal Sanitary Worker
11.	N.Anbu	01.07.1994	14.30.06.2003	Tmt.Govinammal (Rtd.) Sanitary Worker
12.	K.Munusamy	01.11.1994	16.25.03.2004	Subramani (Death) Sanitary Worker

13.E.Selvaraj	01.11.1994	17.30.06.2004	Tmt.Veerammal (Rtd.) Sanitary Worker
14.P.Danasekaran	01.03.1995	20.30.06.2004	Joseph (Rtd.) Sanitary Worker
15.K.Purushothaman	01.05.1995	22.30.06.2004	Tmt.Jimmayeammal (Rtd) Sanitary Worker
16.G.Ettiappan	01.06.1995	23. 30.06.2004	Rajaiah (Rtd.) Sanitary Worker
17.K.Murugavel	01.09.1995	24. 1.10.2004	Ramamurthy (Death) Sanitary Worker
18.E.Rajendran	01.02.1996	27.08.12.2004	T.Jayaraj (Medical unfit -Compulsory retirement)

In terms of G.O.Ms.NO.125, Municipal Administration and Water Supply Department dated 27.05.1999 and the order of this Court in W.P.(MD) NO.14119 of 2011 dated 30.07.2012 based on the orders of the Division Bench of the High Court in W.A.(MD) No.273 of 2011 with all consequential service and monetary benefits.

For Petitioners : M/S.A.Baskaran

For Respondents :Mr.S.Thangavel, Spl.G.P for RR1 & 2
:M/S.P.Srinivas for R3

ORDER

The Writ Petition has been filed by the petitioners, to call for the records on the file of the 3rd respondent in his proceeding Na.Ka.No.1356/06/C1 dated 25.05.2006 and quash the same in so far as the petitioners are concerned and consequently direct the respondents, especially the third respondent to regularise their services with effect from the date of their respective appointments and to direct the respondents to appoint the petitioners in terms of G.O.Ms.NO.125, Municipal Administration and Water Supply Department dated 27.05.1999 and the order of this Court in W.P.(MD) NO.14119 of 2011 dated 30.07.2012 based on the orders of the Division Bench of the High Court in W.A.(MD) No.273 of 2011 with all consequential service and monetary benefits.

2. The case of the petitioners is that the petitioners are employees of the Pallavaram Municipality, the 3rd respondent

herein, and they were appointed on various dates, by the Commissioner of Pallavaram Municipality, as Nominal Muster Roll employees. The grievance of the petitioners is that G.O.Ms.NO.125, Municipal Administration and Water Supply Department dated 27.05.1999, stipulates for bringing the NMR into regular establishment after completion of one year 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 consequential benefits. According to the petitioners, they are entitled to be appointed on 27.05.1999, on a consolidated pay of Rs.2000/- per month for a period of one year and thereafter on and from 27.05.2000, there were entitled to be placed in the time scale of pay; therefore the petitioners have jointly submitted a letter dated 08.12.2006 to the Commissioner of Municipal Administration, Chepauk; based on the representation given by similarly placed persons, orders were issued regularizing their services from the date of completion of one year from the date of joining duty as consolidated pay staff as per the above said G.O.Ms.No.125, dated 27.05.1999. Therefore, the petitioners submitted a representation jointly on 18.06.2011. Without enjoying the benefits, many of the petitioners have attained the age of superannuation and they have been arbitrarily denied the service benefits from 27.05.1999. Therefore, left with no other alternative, the petitioners approached this Court by way of filing the writ petition with the above said prayer.

3. 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 application No.254/2015, which was also dismissed. Against the said dismissal, Special Leave Petition in SLP. No.(C) 19874/2017 was filed before the Hon'ble Supreme Court, and the order of the Full Bench has been stayed by the Hon'ble Supreme Court.

4. 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 these petitions pending on the file of this Court, it would suffice if a direction is issued to the respondents to grant the relief, if any, to the petitioners and other similarly placed persons, in tune with the orders that is passed by the Hon'ble Supreme Court in the case pending before it

5. Accordingly, these writ petitions are disposed of, directing the respondents to grant the relief, if any, to the

petitioners and other similarly placed persons, in tune with the orders that is passed by the Hon'ble Supreme Court in the case pending before it. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
Municipal Administration & Water
Supply Dept.
Fort.St.George,
Chennai 600 009.
- 2.Director of Municipal Administration,
Chepauk, Chennai 600005.
- 3.The Commissioner,
Pallavaram Municipality,
Chennai-44.

+1cc to Government Pleader in SR.27011

W.P. NO.9175 OF 2013

RSV(CO)
RV(15/09/2020)

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