

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 9442 to 9447 OF 2013

|                       |                                  |
|-----------------------|----------------------------------|
| D.Murugesan           | .. Petitioner in WP.No.9442/2013 |
| D.Kumar @ Kumaraswamy | .. Petitioner in WP.No.9443/2013 |
| R.Rosy Raj            | .. Petitioner in WP.No.9444/2013 |
| A.H.Mani              | .. Petitioner in WP.No.9445/2013 |
| T.M.Subramani         | .. Petitioner in WP.No.9446/2013 |
| M.khalid              | .. Petitioner in WP.No.9447/2013 |

- Vs -

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

The Commissioner of  
Municipal Administration and Water  
Supply, Chepauk,  
Chennai-600 005. .. 1<sup>st</sup> and 2<sup>nd</sup> Respondents in all Wps.

The Erode City Municipal Corporation,  
Rep. By its Commissioner  
Erode. ..3<sup>rd</sup> Respondent in  
WP.Nos.9442, 9444/2013

The Ranipet Municipality,  
Rep. By its Commissioner  
Ranipet, Vellore District ..3<sup>rd</sup> Respondent in  
WP.No.9443/2013

The Udthagamandalam Municipality,  
Rep.by its Commissioner,  
NO.92/81, Commissioner's Road,  
Udhagamandalam,  
The Nilgiris District. ..3<sup>rd</sup> Respondent in  
WP.Nos.9445 to 9447/2013

Common Prayer in WP.No.9442 & 9444/2013:

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to appoint the petitioners on permanent basis with effect from 27.05.1999 on consolidated pay of Rs.2000/- per month after the said period of one year to place the petitioners on time scale of pay with all consequential benefits.

Common Prayer in WP.No.9443,9445, to 9447/2013:

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to appoint the petitioners in accordance with G.O.Ms.NO.125, Municipal Administration and Water Supply Department dated 27.05.1999, on permanent basis on 27.05.1999 on consolidated basis for one year and after the said period of one year service, to place the petitioners on time scale of pay with all consequential benefits.

For Petitioners  
in all WPs.

: M/S.K.Shanmugakani

For Respondents  
In all WPs.

: Mr.S.Thangavel,  
Spl.G.P for RR1 & 2

In WP.Nos.9442,9444/2013 : M/S.Rajamathivanan for R3

In WP.No.9443/2013 : M/S.D.Yogeshwaran for R3

In WP.Nos.9445 to 9447/2013: M/S.P.Srinivas for R3

COMMON 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 appoint the petitioners in accordance with G.O.Ms.NO.125, Municipal Administration and Water Supply Department dated 27.05.1999, on permanent basis on 27.05.1999 on consolidated basis for one year and after the said period of one year service, to place the petitioners on time scale of pay with all consequential benefits.

3. The case of the petitioners is that they initially joined services in the 3<sup>rd</sup> respondent Municipality in the year 1991 as Nominal Muster Roll employees and the petitioners were discharging their duties sincerely and honestly without giving room for any complaints whatsoever. In spite of their continuous employment for more than 13 years as NMRs, their services were not regularised. Hence the petitioners filed a writ petition before this Court in W.P.NO.15864 of 2001 and this Court by order dated 02.12.2004, disposed of the petition, directing the respondents to pass orders in accordance with law in the light of G.O.Ms.NO.125, Municipal Administration and Water Supply Dept., dated 27.05.1999. The grievance of the petitioners is that the said G.O., stipulates for bringing them 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; but the 1<sup>st</sup> respondent municipality has appointed the said workmen in the year 2006, which has arbitrarily denied them of their service benefits for the period from 27.05.1999. Moreover most of the petitioners have retired from service on attaining the age of superannuation, without enjoying their service benefits. Therefore several representations were made by the petitioners 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 these writ petitions 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.

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 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

6. 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. There shall be no order as to costs.

Sd/-  
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. The Commissioner of  
Municipal Administration and Water  
Supply, Chepauk,  
Chennai 600 005.
3. The Erode City Municipal Corporation,  
The Commissioner  
Erode.
4. The Commissioner  
Ranipet Municipality,  
Ranipet, Vellore District.
5. The Commissioner,  
Udhagamandalam Municipality,  
No.92/81, Commissioner's Road,  
Udhagamandalam, The Nilgiris District.

+1 cc to Mr.Rajamathivanan, Advocate Sr.No.26680  
+1 cc to the Government Pleader Sr.No.26729

W.P. NOs.9442 to 9447 OF 2013

ln (co)  
rr ii (08/09/2020)