



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.7080 of 2015 and
M.P.No.1 of 2015

- 1.A.Rajamohamed
- 2.S.Baskar
- 3.A.Annadurai
- 4.P.Sankar
- 5.M.Mujibur Rahman
- 6.M.Parvathi

..Petitioners

Vs

- 1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner,
Municipal Administration, Chepauk, Chennai.
- 3.The District Collector,
Villupuram District, Villupuram.
- 4.Block Development Officer,
Koliyanur Panchayat Union, Koliyanur.
- 5.The Commissioner,
Koliyanur Panchayat Union, Koliyanur.
- 6.The Block Development Officer,
Dhiyakadhurukam Panchayat Union, Villupuram District.
- 7.The Commissioner,
Dhiyakadhurukam Panchayat Union,
Dhiyakadhurukam, Villupuram District.
- 8.The Block Development Officer,
Thirukoilur Panchayat Union, Thirukoilur.
- 9.The Commissioner,
Thirukoilur Panchayat Union,
Thirukoilur. Villupuram District.
10. The Block Development Officer,
Chinna Salem Panchayat Union, Chinna Salem.



11. The Commissioner,
Chinna Salem Panchayat Union,
Chinna Salem. Villupuram District.

12. The Block Development Officer,
Chenji Panchayat Union, Chenji.

13. The Commissioner,
Chenji Panchayat Union,
Chenji, Villupuram District.

14. The Block Development Officer,
Mugaiyur Panchayat Union, Manampoondi.

15. The Commissioner,
Mugaiyur Panchayat Union,
Manampoondi, Villupuram District.

16. The District Employment Officer,
Employment Exchange Office, Villupuram District.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to regularize the service of petitioners by bringing them on time scale of pay immediately on completion of three years of service as provided by G.O.Ms.No.199, Municipal Administration and Water Supply (Town Panchayat-II) Department, dated 12.08.1997 with all consequential and attendant benefits including pay fixation and arrears.

For Petitioner : Mr.K. Sudhakar

For RR1 to 3 & 16 : Mr.Mr.J.Ramesh
Additional Government Pleader

For RR 4 & 13 : Mr.P.Sanjai Gandhi

For RR 5 to 12 , 14
& 15 : Mrs.K.Bhuvaneswari

ORDER

This writ petition has been filed by the writ petitioners seek a direction to the respondents to regularize the service of the writ petitioners by bringing them on time scale of pay immediately on completion of three years of service as provided by G.O.Ms.No.199, Municipal Administration and Water Supply (Town Panchayat-II) Department, dated 12.08.1997 with all consequential and attendant benefits including pay fixation and arrears.



2. According to the writ petitioners, they were appointed as Office Assistants in the year 1982 onwards respectively on temporary basis and also to pay consolidated pay by the respondents to the writ petitioners. The writ petitioners services were regularized by the respondents/Department. According to the writ petitioners, the Government has passed G.O.Ms.No.199, Municipal Administration and Water Supply Department dated 12.08.1987 to regularize their service of the Sweepers/Masalji in the Town Panchayat. The writ petitioners were similarly placed persons. Therefore, the said benefit has not been extended to the writ petitioners. Later on, the writ petitioners have made a request to the competent authorities to regularize their service on par with the similarly placed persons, who were in the Town Panchayat as per the Government Order. The third respondent/District Collector, Villupuram has also forwarded to the fourth respondent/Block Development Officer to consider their request of the writ petitioners. No order has been passed by the respondents till now. Hence, the writ petitioners have come forward with the present writ petition before this Court to regularize their service of the writ petitioners.

3. The learned counsel appearing for the respondents submitted that the G.O.Ms.No.199, Municipal Administration and Water Supply Department dated 12.08.1997 is not applicable to the writ petitioners. The aforesaid Government Order only apply to the Town Panchayat. As per the Government Order, the Secretary, Rural Development Department is a competent authority to consider the request of the writ petitioners for regularization of the service, they are not the respondents herein and have not impleaded as a party in the present writ petition by the concerned authority. Further the writ petitioners by placing the G.O.Ms.No.199, Municipal and Water Supply Department, dated 12.08.1997 and therefore, the writ petitioners' relief cannot be granted. At this juncture, the writ petitioners have to approach the concerned authority to seek for remedy in accordance with the Rules.

4. By analysing the aforesaid parties concerned and perused the materials available on record. The relief prayed in this writ petition by the writ petitioners seeking for regularization of the service from the concerned authorities by placing the G.O.Ms.No.199, Municipal Administration and Water Supply Department, dated 12.08.1997 is applicable only for the aforesaid Town Panchayat. Insofar as the writ petitioners are concerned, they are working under the control of the Rural Development Department. The aforesaid Government Order passed by the Rural Development Department will be applicable only to the writ petitioners. Based on the settlement made by the counter affidavit with a view to Rural Development Department has not passed any orders were considering the claim of the writ petitioners, the regularization of the service but the similarly placed persons have been granted for regularization of the service of the



writ petitioners have also to be considered by the Rural Development Department. To that extent, the decision of the proposal was submitted by the Block Development Officer and the said proposal has been sent to the Government to regularize the service of the writ petitioners. But, there is no finality has been issued by the Government as of now. Therefore, this Court is inclined to direct the following orders;

(i) It is open to the writ petitioners to approach the Secretary to Government, Rural Development Department to make a representation to the aforesaid Department within a period of four weeks from the date of receipt of a copy of this order.

(ii) If any such representation being received by the Secretary to Government, Rural Development Department submitted by the writ petitioners and the same shall be considered by taking note of the proposal submitted by them. If any proposal is pending before the Government and pass appropriate orders as expeditiously as possible.

5. Accordingly, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner,
Municipal Administration, Chepauk, Chennai.
- 3.The District Collector, Villupuram District, Villupuram.
- 4.Block Development Officer, Koliyanur Panchayat Union,
Koliyanur.
- 5.The Commissioner, Koliyanur Panchayat Union, Koliyanur.
- 6.The Block Development Officer,
Dhiyakadthurukam Panchayat Union, Villupuram District.
- 7.The Commissioner,
Dhiyakadthurukam Panchayat Union,
Dhiyakadthurukam, Villupuram District.



8.The Block Development Officer,
Thirukoilur Panchayat Union, Thirukoilur.

9.The Commissioner, Thirukoilur Panchayat Union,
Thirukoilur. Villupuram District.

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Mugaiyur Panchayat Union, Manampoondi, Villupuram District.

16.The District Employment Officer,
Employment Exchange Office, Villupuram District.

17.The Secretary to Government,
Rural Development Department,
Fort St.George, Chennai-9.

+1 cc to M/s.K.Bhuvaneswari, Advocate,sr.1226

+1 cc to Mr.P.Sanjai Gandhi, Advocate,sr.864

+1 cc to Mr.K.Sudhakar, Advocate,sr.857

+1 cc to Govt.Pleader,sr.1340

vd(co)
krd 8/7

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