

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 10646 of 2014

1.M.Loganathan
2.K.Pandian
3.M.Tamilmani
4.A.Sivaraj
5.Ramalingam
6.G.Karunanithi
7.D.Ponnusamy
8.K.Palanisamy
9.Muthusamy
10.Sivasamy
11.P.Velmurugan
12.Selvaraj
13.K.Krishnasamy
14.T.Purushothaman
15.Nagaraj
16.Ranganathan
17.Thamburaj

... Petitioners

- Vs -

1.The Secretary,
Municipal Administration &
Water Supply Department,
Government of Tamilnadu,
Saint fort George, Chennai -9.

2.The Commissioner,
Coimbatore corporation,
Coimbatore.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to regularise the services of the petitioners by absorbing them in Coimbatore Corporation and grant such other further relief as this Court may deem fit in the circumstance of the case.

For Petitioners : Mr.S.Gopinathan

For Respondents : Mr.S.Thangave, Spl.G.P. For R1
: Mr.S.Saravanan for R2

ORDER

This Writ petition has been filed by the petitioners to direct the respondents to regularise the services of the petitioners by absorbing them in Coimbatore Corporation and grant such other further relief as this Court may deem fit in the circumstance of the case.

2.The case of the petitioners is that they are all appointed and employed as tank operators in erstwhile Kalappatti Town Panchayat. It is averred by the petitioners that they are presently continuing in the said post under the Coimbatore Corporation in ward No.33,34,35,36 and 56. The said Kalappatti Town Panchayat was merged with Coimbatore Corporation. However at the time of merger, they were working directly under the control of the Town Panchayat and they received salary and other benefits from the Town Panchayat. Before merger of Town Panchayat with the Coimbatore Corporation, the executive officer of the Town Panchayat, by proceedings dated 12.10.2011 sent a list of temporary staff of the Town Panchayat to the Coimbatore Corporation and, therein, the petitioners name are included, however only 4 members alone were absorbed in the Coimbatore Corporation. Most of the persons, including the petitioners were working from 1995 onwards, but the persons, who were absorbed from the list of temporary candidates had joined only in 2007 and thereafter. It is the grievance of the petitioners that though the executive officer forwarded the list of temporary employees including the petitioners for regular employment in the Coimbatore Corporation and even thereafter the petitioners were not continuously engaged to work and till date they were not absorbed. Hence the petitioners made representation on 26.12.2011 requesting for their regularisation in the Corporation,. However, reply was given given by the Corporation on 24.01.2012 and 14.03.2013, stating that the entire recruitment to the Corporation was being made only through employment exchange. Thereafter they made representation on 08.01.2014 to the Coimbatore Corporation, till date no order was passed for their regularisation,. Hence the writ petition.

3.Learned counsel appearing for the petitioners submitted that though very many grounds have been raised in the affidavit, however, it would suffice if this Court directs the respondents to consider the representation of the petitioners in accordance with law within a time frame fixed by this Court.

4.On the above averments, this Court heard the learned standing counsel appearing for the respondents, who has filed a counter affidavit on behalf of respondent, denying the averments

made by the petitioners and contended that there is no scheme available for absorbing the employees of the erstwhile Town Panchayat into the Coimbatore Corporation. However, he conceded that their representation will be considered in accordance with law, as per the existing scheme, within a limited time frame fixed by this Court.

5. In view of the limited relief sought for and taking into consideration the consent view expressed by the learned Special Government Pleader, this Court, without going into the merits of the issue, directs the 1st respondent to consider the petitioner's representation dated 08.01.2014, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, if not considered and disposed of already.

6. With the above direction, this Writ petition is disposed of. There shall be no order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

jrs
To

1. The Secretary,
Municipal Administration &
Water Supply Department,
Government of Tamilnadu,
Saint fort George, Chennai -9.

2. The Commissioner,
Coimbatore corporation,
Coimbatore.

+1 cc to Mr.S.Saravanan advocate sr40896
+1 cc to Government Pleader sr40953
+1 cc to Mr.S.Gopinathan Advocate sr40877

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