

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 18938 of 2014

AND

M.P. NO. 1 of 2014

- 1.B.Ramu
- 2.T.Pencil Krishna
- 3.A.P.Pencillaiah
- 4.K.Nagaraj
- 5.G.Natarajan
- 6.M.Parameswari
- 7.L.Murugan
- 8.S.Iyappan

... Petitioners

- Vs -

- 1.Principal Secretary to Government,
Municipal Administration and Water Supplies
Department, Fort. St.George,
Chennai 600 009.
- 2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai 600 008.
- 3.The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.
- 4.The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai 600 003.
- 5.The Executive Engineer,
Corporation of Chennai
Zone XIV, Zonal Office,
Puzhudhivakkam,
Perungudi, Chennai.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents herein to bring the petitioners into time scale of pay by regularising their services taking into account their original date of appointment, in the light of G.O.Ms.No.199, Municipal Administration and Water Supplies Department dated 12.08.1997 and G.O.Ms.No.84, Municipal

Administration and Water Supplies Department dated 21.05.1998 and the judgement of the Division Bench of this Court passed in W.A.No.47 and 385/2010 dated 23.06.2010, with all consequential service and monetary benefits, within a time frame.

For Petitioner : Mr.G.Bala and Daisy

For Respondents: Mr. S.Thangavel, Spl.G.P. For RR1 to 3
: M/S.Karthikaa Ashok for R4

ORDER

This Writ petition is filed by the petitioner, to direct the respondents herein to bring the petitioners into time scale of pay by regularising their services taking into account their original date of appointment, in the light of G.O.Ms.No.199, Municipal Administration and Water Supplies Department dated 12.08.1997 and G.O.Ms.No.84, Municipal Administration and Water Supplies Department dated 21.05.1998 and the judgement of the Division Bench of this Court passed in W.A.No.47 and 385/2010 dated 23.06.2010, with all consequential service and monetary benefits, within a time frame fixed by this Court.

2. The case of the petitioners is that all the petitioners were sanitary workers, they were appointed in the year 2000 by the competent authority in the erstwhile Kottivakkam Panchayat, Kancheepuram district and they have been engaged on temporary basis and continuously working for several years. Subsequently the said town panchayat was merged with the Chennai Corporation. At the time of merger the Government issued G.O.Ms.No.67, Municipal Administration and Water Supply (M.C.3) Department dated 18.07.2012 directing maintenance of the status of the workers on daily wage basis in the Chennai Corporation as well and pursuant to the same, the petitioners were continuously working as temporary workers in the Chennai Corporation. The Chennai Corporation by its resolution No.002/2018, dated 03.01.2018, forwarded the names of nearly 908 temporary employees who were working for earlier in the Town Panchayats for being considered for regularisation. According to the petitioners, their services should have been regularised on completion of three years, however till date no order was passed. Hence the present Writ petition.

3. Learned counsel appearing for the petitioners submitted that the very same issue was already considered by the Hon'ble Division Bench of this Court, in W.A.No.47 and 385/2010 dated 23.06.2010, and the present case is similar in nature. Hence he prays that similar relief as granted in W.A. No.47 and 385/2010 be granted to the petitioners as well in this case and this Court may issue appropriate direction to the 1st respondent to pass orders on the resolution dated 03.01.2018 within a

reasonable time as fixed by this court.

4.Learned standing counsel appearing for the respondent corporation, did not dispute the facts on the resolution dated 03.01.2018 and reported that she has on instructions whether the resolution is considered or not.

5.Learned Special Government Pleader appearing for the first respondent has no objection to consider the resolution forwarded by the the respondent corporation, in accordance with law, if otherwise the petitioners are eligible.

6. Taking into consideration the submissions advanced by the learned counsel on either side and in view of the fair stand taken by the learned counsel for the respondents, this court, without expressing any opinion on the merits of the case, directs the 1st respondent to consider the resolution forwarded by the respondent/corporation, and pass appropriate orders for regularisation, if otherwise the petitioners are eligible, within a period of 12 weeks from the date of receipt of copy of this order.

7.With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrs

To

1.Principal Secretary to Government,
Municipal Administration and Water Supplies
Department, Fort. St.George,
Chennai 600 009.

2.The Director of Town Panchayat,
Kuralagam Buildings,
Chennai 600 008.

3.The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.

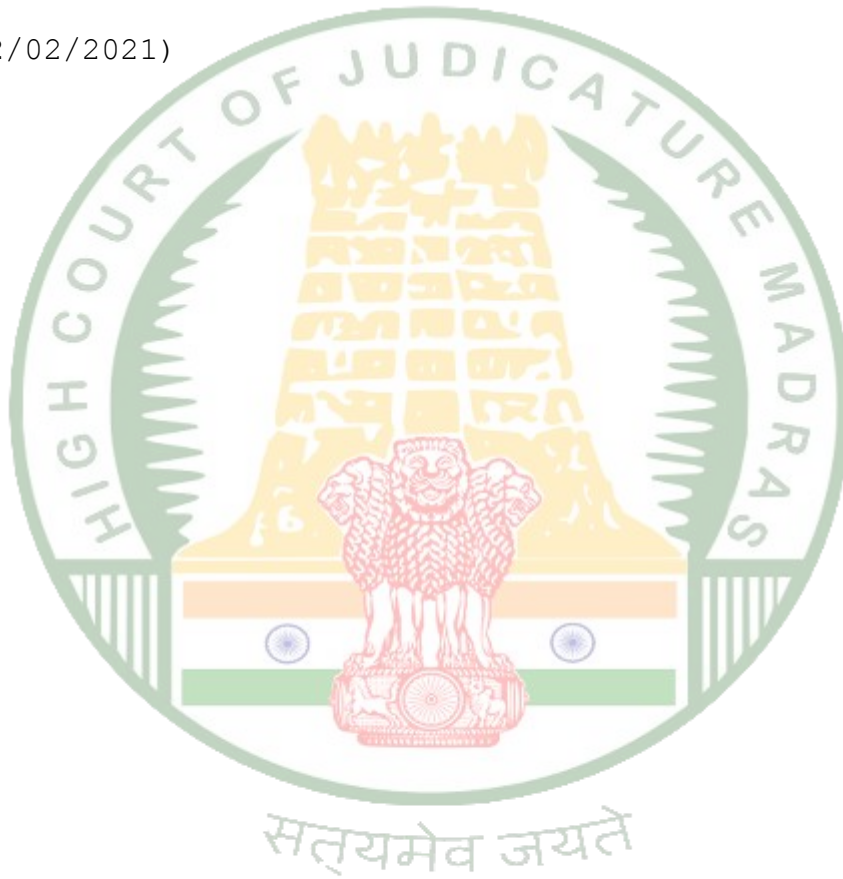
4.The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai 600 003.

5.The Executive Engineer,
Corporation of Chennai
Zone XIV, Zonal Office,
Puzhudhivakkam,
Perungudi, Chennai.

+1cc to the Government Pleader, S.R.No. 38677

W.P. NO. 18938 OF 2014

SMI (CO)
GN (12/02/2021)



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