

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19249 of 2020

And

W.M.P.No.23838 of 2020

Corporation Labour Union

Represented by its President,

N.Beulah John Selvaraj

...Petitioner

Vs.

1.The Commissioner

Greater Chennai Corporation

Ripon Building

Chennai - 600 003.

2.The Superintendent Engineer

Solid Waste Management

Ripon Building

Chennai - 600 003.

3.The Secretary to Government

Municipal Administration Water Supply Department,

Fort St.George,

Chennai - 600 009.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the invitation of tender dated 20.08.2018 bearing S.W.M.C.No.A7/3025/2017-Package-1 and invitation of Tender dated 20.08.2018 bearing S.W.M.C.No.A7/3025/ 2017-Package-II as illegal, arbitrary and contrary to law, unconstitutional and consequently direct the respondents to retain all the members of the petitioner Union, whose names are given in the Annexure to the Writ Petition working as Non-muster Roll Employee under various designations such as Sanitary Worker, Malaria Workers, Drivers, Electrician and the employees drawing wages under the National Urban Livelihood Mission and doing the sanitary work and regularize their services from the date when they had completed 480 days of continuous service within a period of

24 months in terms of Section 3 of the Tamil Nadu Establishment (Conferment of Permanent Status to Workmen) Act, 1981.

For Petitioner : Mr.V.Suresh
for M/s.J.Jenny

For Respondents : Mrs.Karthikaa Ashok for R1 and R2
Mr.S.Thangavel for R3
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Declaration declaring that the invitation of tender dated 20.08.2018 bearing S.W.M.C.No.A7/3025/2017-Package-1 and invitation of Tender dated 20.08.2018 bearing S.W.M.C.No.A7/3025/2017-Package-II as illegal, arbitrary and contrary to law, unconstitutional and to consequently direct the respondents to retain all the members of the petitioner Union, whose names are given in the Annexure to the Writ Petition working as Non-muster Roll Employee under various designations such as Sanitary Worker, Malaria Workers, Drivers, Electrician and the Employees drawing wages under the National Urban Livelihood Mission and doing the sanitary work and to regularize their services from the date when they had completed 480 days of continuous service within a period of 24 months in terms of Section 3 of the Tamil Nadu Establishment (Conferment of Permanent Status to Workmen) Act, 1981.

2.The case of the petitioner Union is that the employees working in different categories such as Sanitary Workers, Drivers, Electricians, Malaria Workers, Amma Unavagam Workers, Animates, Hospital Workers, Kinder Garden Teachers, Road Department Workers, NMRs, Doctors, Nurse, Malaria Inspector, Data Entry Operators, Election Workers etc., are members of the petitioner Union. The petitioner Union has been working for the welfare of its members.

3.It is the further case of the petitioner Union that some of its members working as Non-muster Roll Employee under various designations such as Sanitary Worker, Malaria Workers, Drivers, Electrician and the Employees drawing wages under the National Urban Livelihood Mission and doing the sanitary work have rendered more than 480 days service, within the period of 24 calender months, and hence, their services ought to have been regularized in terms of Section

3 of the Tamil Nadu Establishment (Conferment of Permanent Status to Workmen) Act, 1981, however, their services have not yet been regularized. Hence this writ petition.

4.The learned counsel appearing for the petitioner Union would submit that the petitioner Union has made several representations for regularisation of the services of the employees and the last of such representation was made on 15.06.2020. Hence, this Court may issue direction to the respondents 1 and 3 to take a decision by considering the valuable service rendered by the members of the petitioner during the COVID - 19 Pandemic situation and to pass appropriate orders on the representation of the petitioner Union.

5.The learned counsel appearing for the respondents 1 and 2 would submit that all the members of the Petitioner are not NMR workers, some members are daily wage workers. However, the respondents side have no objection for considering the petitioner's representation.

6.In view of the above, this Court directs the respondents 1 and 3 to consider the valuable service rendered by the members of the petitioner Union during the COVID - 19 Pandemic situation and to pass appropriate orders on the representation of the petitioner Union made on 15.06.2020, within a period of twelve weeks from the date of receipt of a copy of this order. This Court directs the petitioner Union to send a copy of the representation made on 15.06.2020 to respondents 1 and 3 along with a copy of this order so as to enable respondents 1 and 3 to pass appropriate orders.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai - 600 003.

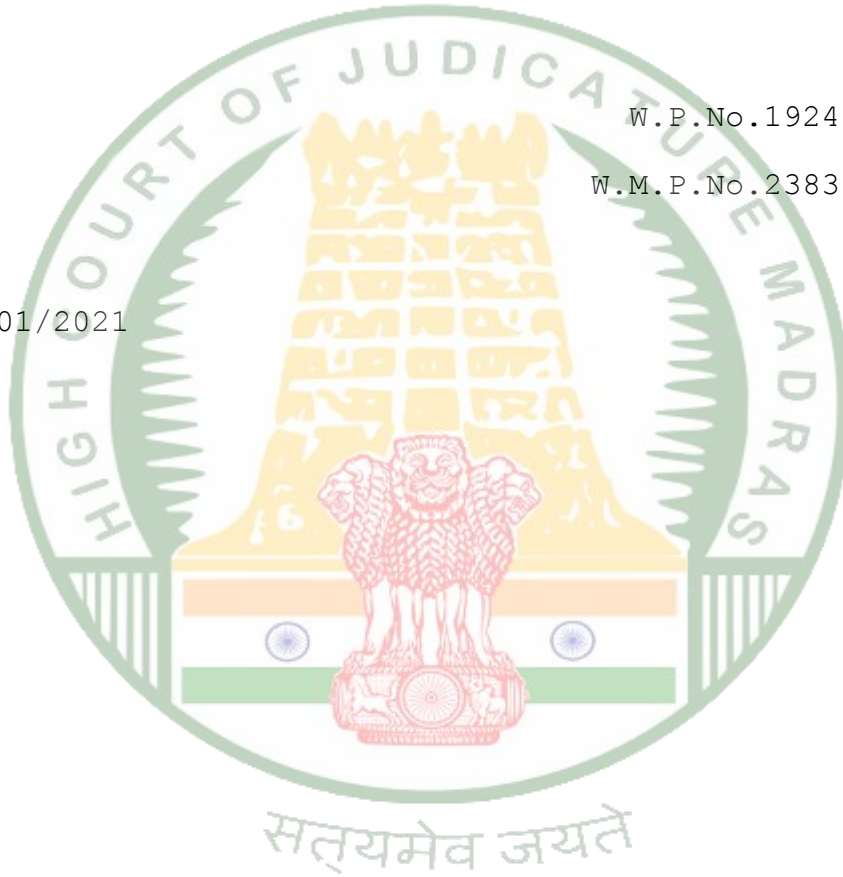
2.The Superintendent Engineer
Solid Waste Management
Ripon Building
Chennai - 600 003.

3.The Secretary to Government
Municipal Administration Water Supply Department,
Fort St.George,
Chennai - 600 009.

+2ccs to Mrs.J.Jenny, Advocate, SR.No.41833
+1cc to the Government Pleader, SR.No.42275

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EV (CO)
KKV/18/01/2021



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