



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.17114, 17115, 17116, 17117, 17118, 17119 & 17120 of 2013
and
M.P.Nos.1 to 1 of 2013

A.Nazar Basha	... Petitioner in W.P.No.17114 of 2013
A.Gnanasekaran	... Petitioner in W.P.No.17115 of 2013
S.Govindaraj	... Petitioner in W.P.No.17116 of 2013
K.Rajendiran	... Petitioner in W.P.No.17117 of 2013
R.Babu	... Petitioner in W.P.No.17118 of 2013
B.Anandaraj	... Petitioner in W.P.No.17119 of 2013
G.Mathiazhan	... Petitioner in W.P.No.17120 of 2013

Vs

1. The Secretary to Government,
M.A. & W.S.Department,
State of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

3. The Commissioner,
Ambur Municipality,
Ambur - 635 802,
Vellore District.

... Respondents in all W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue Writs of Certiorarified Mandamus, to call for the records relating to 3rd respondent proceedings Na.Ka.No.2667/2005/C1 dated 27.02.2006, 31.05.2006 and 07.06.2006 and quash the same in so far as regularisation of the services of the petitioners are concerned from the date of order and consequently direct the respondents herein to regularize the service of the petitioner in time scale of pay after completion of 10 years service from the date of their appointment made pursuant to and in accordance with G.O.Ms.No.1644 RDLA Department dated 12.10.1979 as well as G.O.Ms.No.258 MA & WS Department dated 15.03.1988 with all attendant benefits.



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In all W.Ps :

For Petitioner	: Mr.M.Muthappan
For R1	: Mr.A.N.Thambidurai, Spl.GP
For R2	: Mr.S.Thangavel, Spl.GP
For R3	: Mr.R.Rajeswaran

COMMON ORDER

The relief sought for in these writ petitions is to call for the records relating to the proceedings of the third respondent in Na.Ka.No.2667/2005/C1 dated 27.02.2006, 27.02.2006, 27.02.2006, 27.02.2006, 27.02.2006, 31.05.2006 and 07.06.2006 respectively and quash the same insofar as the regularisation of the services of the petitioners are concerned from the date of order and consequently, direct the respondents to regularise the services of the petitioners in time scale of pay after completion of 10 years of service from the date of their appointment in accordance with G.O.Ms.No.1644 RDLA Department dated 12.10.1979 as well G.O.Ms.No.258 MA & WS Department dated 15.03.1988 with all attendant benefits.

2.Today, when the matters were taken up for consideration, the learned counsel appearing on both sides jointly submitted that a similarly placed person by name, T.Renganathan filed WP.No.23587 of 2013, praying for the very same relief as sought in these writ petitions and this Court, by order dated 18.02.2020, dismissed the said writ petition, in the following lines:

"10. Here in this case, initially the petitioner was appointed under daily wages on consolidated pay and thereafter, his service was regularised on 23.02.2006, as per the G.O.Ms.No.21 dated 23.02.2006. Further, the petitioner has not made any representation to regularise his service, after completion of 10 years of service as NMR. Now, after a lapse of several years, the petitioner has come forward with this writ petition, which is not maintainable. Therefore, there is no merits in this writ petition and the same is liable to be dismissed."

As against the aforesaid order, the petitioner therein preferred an appeal in W.A.No.913 of 2020, which was also dismissed by the Division Bench of this Court on 09.10.2020, the relevant passage of which is extracted hereunder:

"8.Having considered the submissions raised, we find that there is no valid explanation for having represented the matter as late as in the year 2013 and then arrived before this Court by filing a writ



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petition after almost seven years of the regularisation order.

9.The conclusion on this issue therefore by the learned Single Judge does not suffer from any infirmity and refusal to exercise discretion cannot be said to be warranted.

10.However, the refusal to exercise the discretion by the High Court may not prevent the appellant from seeking any relief from the Government and therefore, it will be open to the appellant to seek such relief as may be admissible by approaching the authorities on the administrative side, as further judicial review in the matter does not appear to be permissible.

11.The writ appeal is consigned to records. No costs."

Therefore, according to the learned counsel, the issue involved herein is covered by the aforesaid decision of the Division Bench of this Court.

3.In view of the above submissions made by the learned counsel on either side, this Court is inclined to dismiss these writ petitions, by following the aforesaid judgment of the Division Bench of this Court.

4.Accordingly, these writ petitions are dismissed, leaving it open to the petitioners to seek such relief as may be admissible by approaching the authorities on the administrative side. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mtl



To

1. The Secretary to Government,
M.A. & W.S. Department,
State of Tamil Nadu,
Fort St. George, Chennai - 9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.
3. The Commissioner,
Ambur Municipality,
Ambur - 635802, Vellore District.

+7ccs to Mr.M.Muthappan, Advocate, S.R.No.10283 to 10289.

+1cc to the Government Pleader, S.R.No.11406 to 11412.

W.P.Nos.17114, 17115, 17116, 17117,
17118, 17119 & 17120 of 2013

RSV(CO)
RLP(23/07/2021)