



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.30065 of 2008

and

MP.No.1 of 2008

Salem District Municipal Workers Union (Reg.No.191/1975)
Represented by its Secretary A.Natesan
82/69 Kambaperumal Koil Street,
Attur, Salem District.

... Petitioner

-Vs.-

The Attur Municipality,
Rep. by its Commissioner,
Attur, Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order dated 15.07.2008 made in Na.Ka.No.16305/2008/H1-on the file of the respondent herein - quash the same.

For Petitioner : Mr.A.Sriram

For Respondent : No Appearance

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 03.08.2021 and 04.08.2021, which read as follows:

'Proceedings dated 03.08.2021

There is no representation for both sides.

2. Registry to not to show the name of Mr.T.Murugamanikkam from the next listing as learned counsel has since been designated as a Senior Advocate by this Court. However, names of co-counsel, namely Mr.V.Rajesh and Mr.S.Balan (shown in the cause list today) shall be shown in the cause list from the next listing.



3. With the intention of giving opportunity to the writ petitioner, writ petitioner's counsel, respondent and respondent's counsel, list this matter tomorrow i.e., 04.08.2021.

WEB COPY

Proceedings dated 04.08.2021

Mr.A.Sriram, learned counsel representing the counsel on record for writ petitioner is before this Virtual Court, but there is no representation for the respondent today also.

2. Read this in conjunction with and in continuation of earlier proceedings made yesterday (03.08.2021), which reads as follows:

'There is no representation for both sides.

2. Registry to not to show the name of Mr.T.Murugamanikkam from the next listing as learned counsel has since been designated as a Senior Advocate by this Court. However, names of co-counsel, namely Mr.V.Rajesh and Mr.S.Balan (shown in the cause list today) shall be shown in the cause list from the next listing.

3. With the intention of giving opportunity to the writ petitioner, writ petitioner's counsel, respondent and respondent's counsel, list this matter tomorrow i.e., 04.08.2021.'

3. Learned counsel expresses regret for not representing the matter yesterday. Learned counsel submits that counsel on record missed the listing of the matter yesterday though learned counsel initially submitted that name of the counsel on record was not shown in the cause list. Yesterday's cause list was shown to the learned counsel after which he stood corrected.

4. Be that as it may, even today learned counsel for writ petitioner is not ready. Learned counsel requests for a short accommodation.

Owing to request on behalf of counsel on record for writ petitioner and with the intention of giving opportunity to the sole respondent and respondent's counsel, list this matter on Monday i.e., 09.08.2021.'

3. Today, Mr.A.Sriram, learned counsel representing the counsel on record for writ petitioner is before this Court, but there is no representation for respondent. To be noted, case file placed before this Court shows that the sole respondent has been duly served on 14.01.2009. This Court is informed that the sole respondent [Attur Municipality represented by its Commissioner] has not chosen to enter



३.१.२. अनेक प्रकारचे

8. Therefore, the lone basis on which the challenge to the impugned order is predicated is flattened, it fails and the sequiter is, the captioned writ petition is liable to be dismissed. However, from the case file, it becomes clear that post deduction, as per operating G.O i.e., G.O.Ms.No.1079 dated 29.12.1981, the deduction shall be only Rs.15/- per month for Sanitary Workers, who are provided quarters. If there is any variance in this, it is open to the writ petitioner and/or any



other worker to agitate and/or assail the same in a manner known to law and this order will not come in the way if such a scenario unfurls. If such a scenario unfurls and it becomes necessary, the same will obviously be dealt with on its own merits and in accordance with law by the Court/authority/fora concerned, uninfluenced by this order.

9. Captioned writ petition is dismissed albeit with the above observation. There shall be no order as to costs. Consequently, connected Miscellaneous Petition being MP.No.1 of 2008 is also dismissed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

kmi

To

The Commissioner,
Attur Municipality,
Attur, Salem District.

W.P.No.30065 of 2008
and MP.No.1 of 2008

AK(CO)
CT(03/09/2021)