

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

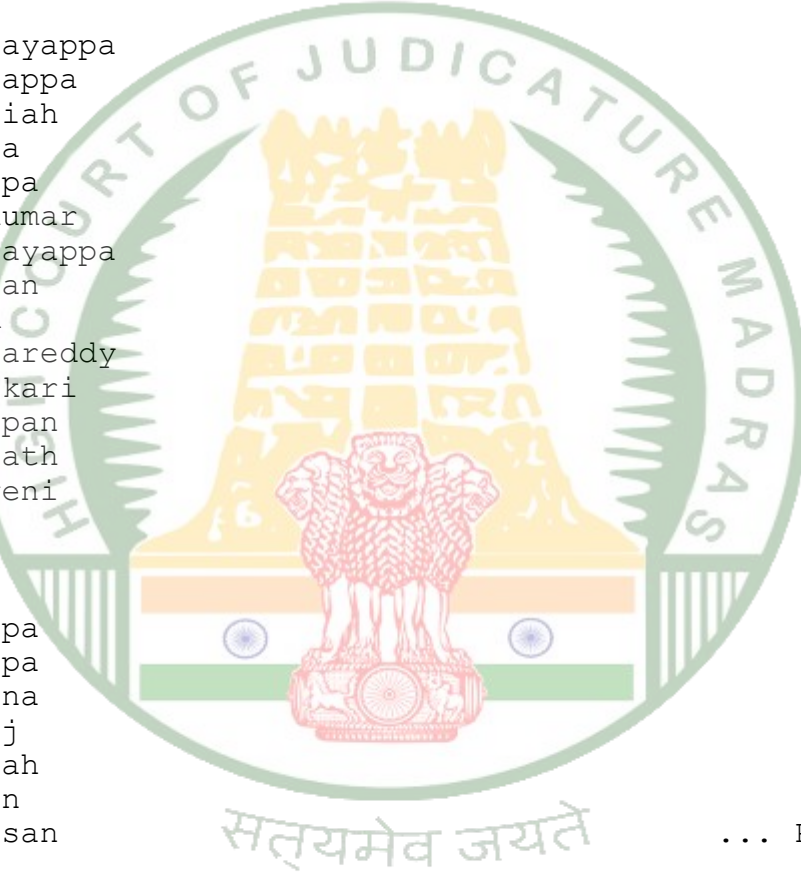
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.22164 OF 2014

&

M.P.NO.1 OF 2014

1. N.Ravi
2. A.Thimmarayappa
3. A.Kubilliappa
4. M.Lakshmaiah
5. C.Seenappa
6. K.Chinnappa
7. C.Vijayakumar
8. C.Thimmarayappa
9. R.Rajendran
10. K.Selvam
11. V.Krishnareddy
12. S.Umasankari
13. P.Kaliappan
14. T.Manjunath
15. Krishnaveni
16. Kannamma
17. S.Ganesh
18. Jadaiyan
19. S.Anjiappa
20. M.Anjiappa
21. N.Baiyanna
22. G.Nagaraj
23. T.Anumaiah
24. K.Murugan
25. A.Murugesan



... Petitioners

Vs.

1. The Government of Tamil Nadu rep. by the Principal Secretary to Government, Municipal Administration & Water Supply Department, Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration, Chennai - 600 005.

3. The Commissioner,  
Hosur Municipality, Hosur,  
Krishnagiri District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to absorb the petitioners in the permanent posts of Sanitary Worker permitted to be filled up by the Government in G.O.(4-D) No.1, Municipal Administration & Water Supply Department, dated 17.01.2013 with all consequential benefits.

For Petitioners: Mr.P.Rajendran

For Respondents: Mr.J.Ramesh, AGP - R1 & R2  
Ms.A.Sri Jayanthi - R3

#### ORDER

This writ petition has been filed seeking a direction to the respondents to absorb the petitioners in the permanent posts of Sanitary Worker permitted to be filled up by the Government in G.O.(4-D) No.1, Municipal Administration & Water Supply Department, dated 17.01.2013 with all consequential benefits.

2.According to the learned counsel for the petitioners, the petitioners are working in various Village and Town Panchayats. By G.O.Ms.No.32, Municipal Administration and Water Supply (Election) Department dated 31.01.2011, the local authorities, viz., Mathigiri Town Panchayat, Zuzuvadi Village Panchayat, Chennathur Village Panchayat, Mookandapalli Village Panchayat and Avalapatti Village Panchayat were included within the limit of Hosur Municipality. While so, the Government issued G.O.No. (4-D) No.1, Municipal Administration & Water Supply Department dated 17.01.2013 according to permission to fill up the existing vacant posts in various categories in the Municipalities, wherein Sl.No.35 of Annexure - III pertains to Hosur Municipality, in which, 44 posts of sanitary workers in Public Health Service and 4 posts of Drainage Maistry in the Engineering service and 1 post of Record Clerk in the General Officer were permitted to be filled up. Stating that the petitioners have been working as Sanitary Workers and Overhead Tank Operators on consolidated pay of Rs.2000/- per month for the several years, they submitted a representation dated 30.01.2014 to the third respondent seeking to absorb them in the permanent posts to be filled up. Finding no response on the said representation, the petitioners are before this Court with the present writ petition.

3.Reiterating the averments made in the counter affidavit filed by the third respondent, it is submitted on the side of

the respondents that G.O.(4D)-1 dated 17.01.2013 is not applicable to the case of the petitioners, as the Hosur Municipality is an expanded Municipality in the year 2011 by merging various Town and Village Panchayats and that the petitioners are working on consolidated pay and hence, they are not entitled for any absorption or regularisation. However, the learned counsel fairly submitted that the third respondent would consider the petitioners' representation and pass orders, on merits, within a reasonable time that may be fixed by this Court.

4.Considering the facts and circumstances of the case and having regard to the submission made by the learned counsel on either side, this Court directs the third respondent to consider the representation of the petitioners dated 30.01.2014, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Principal Secretary to Government,  
Municipal Administration & Water Supply Department,  
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration,  
Chennai - 600 005.
3. The Commissioner,  
Hosur Municipality, Hosur, Krishnagiri District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.3182  
+1cc to Ms.A.Sri Jayanthi, Advocate, S.R.No.3838  
+1cc to the Government Pleader, S.R.No.3574

W.P.No.22164 of 2014

CP(CO)  
CS/29/06/2021