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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.34242 of 2017
(Through Video Conferencing)

V.Shanmugam .. Petitioner
vs.

1.The Secretary to Government
Municipal Administration &
Water Supply Department
Secretariat, Chennai-9.

2.The Managing Director,
Chennai Metro Water Supply &
Sewerage Board,
Chinthadripet, Chennai-2.

3.The Director of Municipal Administration,
Chepauk, Chennai-5.

4.The Area Engineer,
Chennai Metro Water,
Alandur, Chennai - 16.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to take necessary action on the petitioner's representation dated 25.09.2013 to regularize his service on completion of 480 days in a period of 2 years in the pay scale applicable to him as was done to other 13 persons in the same Municipality by way of G.O.Ms.No.596 dated 08.12.2010.

For Petitioner : Mr.R.Subramanian for
M/s.V.Sukumar

For R1 & R3 : Mr.V.P.R.Elamparithi
Government Advocate.

For R2 & R4 : Mr.V.Ramesh

O R D E R

The petitioner was appointed as a Helper with the erstwhile Alandur Municipality which later stood merged with the Greater Chennai Corporation in October 2014. The



2. Under these circumstances, the petitioner filed I.D.No.254 of 1997 before the Labour Court which ultimately came to be allowed, by an order dated 23.05.2003. It was held that the non employment of the petitioner by the erstwhile Alandur Municipality was not justified and therefore the petitioner was entitled to be reinstated into service together with backwages, continuity of service and other attendant benefits.

4. During the interregnum, similarly placed persons had filed W.P.No.1175 of 2005 to regularize their employment which came to be ordered on 22.04.2009. Pursuant to the aforesaid order, the Government had also issued G.O.(T.D.) No.596 dated 08.12.2011. In this writ petition, the petitioner wants to implement the aforesaid G.O. in view of the award dated 23.05.2003 passed by the Labour Court.

6. The Division Bench also dismissed W.A.No.1545 of 2010 vide its order dated 27.08.2010. After the dismissal of the writ appeal, the petitioner had also filed contempt petition. Thereafter, the petitioner was absorbed into the service by the respondent on 11.02.2011 as a watchman. However, his service has not been regularized. The petitioner has sent several representations to the respondents. Since it did not yield any positive response, the petitioner has come forward with the present writ petition.

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service of the petitioner cannot be regularized the said Board from the date of his appointment from 23.03.2011 as per the provisions in Regulation No.15 (2) (i) to (iii) of Employees Service Regulation 1978 of the Chennai Metro Water Supply and Sewerage Board.

8. Considering the fact that the order of the Labour Court in I.D.No.254 of 1997, had attained finality, the prayer of the petitioner for being treated on par with those who get the benefit of G.O.Ms.No.596 in the 2nd respondent, Metro Water Supply and Sewerage Board cannot be denied to the petitioner.

9. It is no longer open for the respondents to state that the post of Helper or Fitter was not a sanctioned post either in the Alandur Municipality or in the Chennai Metro Water Supply and Sewerage Board. The petitioner is now in employment with the second respondent. He is therefore entitled to a status of a permanent employee together with continuity of service from the date, his service was terminated by the erstwhile Alandur Municipality.

10. Consequently, the respondents are directed to make appropriate changes in the service record of the petitioner by treating the petitioner as a permanent employee in continuous service on 06.01.1991. This exercise may be carried out by the 2nd respondent within a period of six weeks from the date of receipt of a copy of this order.

11. This writ petition is disposed with the above observation. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Kkd

To

- 1.The Secretary to Government
Municipal Administration &
Water Supply Department
Secretariat, Chennai-9.
- 2.The Managing Director,
Chennai Metro Water Supply &
Sewerage Board,
Chinthadripet, Chennai-2.
- 3.The Director of Municipal Administration,
Chepauk, Chennai-5.



4.The Area Engineer,
Chennai Metro Water,
Alandur, Chennai - 16.

+1cc to Mr.V.Sukumar, Advocate, S.R.No.40133
+1cc to the Government Pleader, S.R.No.40061

W.P.No.34242 of 2017

PL (CO)
GN(14/09/2021)