



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.14892 of 2021

M.Nallaiah

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai - 600 009.

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

3.The Commissioner,
Puliankudi Municipality,
Puliankudi, Tenkasi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularise the petitioner's wife Velammal service from 24.12.2001 based on the 3rd respondent's recommendation dated 09.01.2002 along with Evaluation and Resolution No.12 dated 31.01.2001 and to provide the monetary benefits to the petitioner by considering his representation dated 05.07.2021 within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.K.Manikkam,

Standing Counsel for State for R1 & R2

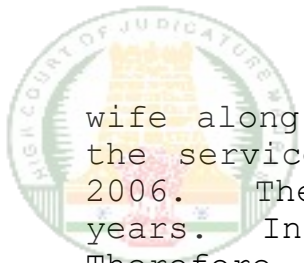
Mr.M.Rajarajan,

Standing Counsel for R3

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to regularise the petitioner's wife Velammal service from 24.12.2001 based on the 3rd respondent's recommendation dated 09.01.2002 along with Evaluation and Resolution No.12 dated 31.01.2001 and to provide the monetary benefits to the petitioner by considering his representation dated 05.07.2021.

2. The petitioner's wife was working as Sweeper under the third respondent's office. The third respondent requested the second respondent to regularize the services of the petitioner's



wife along with 41 persons with effect from 09.01.2002. However, the service of the petitioner's wife was regularised in the year 2006. Therefore, she has not got the service benefits of five years. In the meantime, the petitioner's wife died on 15.04.2018. Therefore, the petitioner has made a representation on 05.07.2021, seeking to regularise the service of his wife with effect from 24.12.2001, on par with the similarly placed persons. Since no order has been passed on the said representation, the petitioner has filed this Writ Petition.

3. The learned Standing Counsel appearing for the third respondent by relying upon the counter affidavit submitted that the other workers, who were regularised along with the petitioner's wife had approached this Court in W.P.(MD)No.12843 of 2013, seeking to regularise their service from the year 2001 itself and the same has been dismissed. As against the said order, they have preferred an Appeal in W.A.(MD)SR.No.15142 of 2021 and the same is pending before this Court. However, the petitioner's wife has not approached this Court and after a lapse of 20 years, the petitioner has now approached this Court. Therefore, no relief has been granted to the petitioner. The learned counsel appearing for the petitioner has also relied on a decision of the Hon'ble Supreme Court in the case of **Secretary to Government Vs. Govindasamy and others** reported in **(2014) 4 SCC 769**.

4. I have anxiously considered the rival submissions and also perused the materials available on record.

5. The petitioner's wife was working as Sweeper in the third respondent's office. The service of the petitioner's wife was regularised from 2006. The other workers, who were regularised along with the petitioner's wife had approached this Court in W.P.(MD)No.12843 of 2013, seeking to regularise their service from the year 2001 itself and the same has been dismissed. As against the said order, they have preferred an Appeal in W.A.(MD)SR.No.15142 of 2021 and the same is pending before this Court. The Government has already given concession to the petitioner's wife to regularize her service. Therefore, further concession to regularize the service of the petitioner's wife from the date of her appointment would not be given. Further, the petitioner's wife died on 15.04.2018. The petitioner has also received the terminal benefits for the death of his wife. Now after the lapse of 20 years, the petitioner has approached this Court seeking to regularize the services of his wife from 24.12.2001.

6. The Hon'ble Supreme Court in the case of **the Regional Manager, A.P SRTC Vs. N.Sathyannarayana and others** reported in **2008 (1) SCC 210**, has held as follows:

"10. Even a bare reading of paragraph-18 of the judgment on which reliance has been placed by the



learned Single Judge and the Division Bench, it is clear that the relief was moulded to avoid anomalies and in view of the peculiar situation involved. This Court categorically held that the orders impugned in the appeals were not sustainable because the writ petitions were filed after a long lapse of time. Similar is the position here. The regularization was done w.e.f. 1.8.1987 and the writ petitions were filed in the year 1999. That being so and since in the writ petition without any explanation has been offered for the delayed approach, writ petition should have been dismissed on the ground of delay and laches."

7. In the light of the said judgment, after the lapse of 20 years, the relief sought for by the petitioner seeking to regularise the service of the petitioner's wife cannot be granted by this Court and therefore, this Writ petition is also liable to be rejected on the ground of delay and laches and there is no merit in this Writ Petition.

8. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai - 600 009.

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



3.The Commissioner,
Puliankudi Municipality,
Puliankudi, Tenkasi District.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-28999[F] dated 14/09/2021)

+1 CC to M/s.SPL. GP (SR-29201[F] dated 15/09/2021)

Order made in

W.P. (MD) No.14892 of 2021

13.09.2021

SJ(CO)

GC/JC(09.11.2021) 4P 6C