



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)NO.2193 OF 2021

S.Krishnan

:Appellant/Petitioner

.vs.

1.The Government of Tamil Nadu,
represented 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,
Devakkottai Municipality,
Sivagangai District.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.13718 of 2021, dated 06.10.2021

Prayer in WP(MD). 13718/ 2021 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court S-12. To issue a Writ of
Certiorari Mandamus to call for the records of the 3rd
respondents impugned order in Na.Ka.No.3238/2006/C1 dt 17.03.2006 in
Serial Number 7 and quash the same as devoid of merits consequently
directing the respondents No.1 to 3 to grant entire service benefits
to the petitioner as per the G.O(Ms) No. 125 dt 27.05.1999, G.O(Ms)
No.71 dt 05.05.1998 r/w G.O(Ms) No. 101 dt 30.04.1997 by
regularizing the petitioners service from 1997 by considering his
representation dt 14.07.2021 within the period stipulated by this
Honourable Court and pass such further or other order as this Honble
Court may deem fit and proper in the nature and circumstances of the
case and thus render justice

For Appellant

:Mr.A.Haja Mohideen

For Respondents
1 and 2

:Mr.S.R.A.Ramachandran
Addl.Govt.Pleader

For Respondent-3

:Mr.J.Anandkumar
Standing Counsel

**JUDGMENT**

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is directed against the order passed by this Court in W.P(MD)No.13718 of 2021, dated 06.10.2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner was a daily-waged employee under the third respondent Municipality. When the Government proposes to regularize the services of the daily waged employees, G.O(Ms)No.71, MAWS Department, dated 5.5.1998 and G.O(Ms)No.21, dated 21.02.2006 has been issued. Based on the above said Government Orders, the service of the Petitioner was regularized w.e.f. 17.03.2006. The said regularization was accepted and the Petitioner continued in service till he attained superannuation, which was in the year 2017. After retirement, the Petitioner made a representation on 14.7.2021, to consider the Petitioner's claim for regularization w.e.f.1997, which is after 15 years from the date of regularization, namely in the year 2006. Based on the decision of the Honourable Supreme Court of India, the learned Single Judge dismissed the Writ Petition stating that there was no explanation for the delay in claiming regularization before retirement, but also there is delay in making the claim even after the retirement. Since there was absolutely no reasons furnished by the Petitioner and also the fact that the Petitioner has accepted the regularization in the year 2006 without any objection and now seeking the relief of regularization of service from the year 1997, is not acceptable. There is no merit in the case and thus the Writ Appeal fails.

4.For the reasons aforesaid, the Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Vsn

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

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2.The Commissioner of Municipal Administration,
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Sivagangai District.

+1 CC to M/s.SPL GP (SR-39272[F] dated 17/12/2021)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-39430[F] dated 17/12/2021)

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RD(3.01.2022) 3P 6C