



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1530 of 2018

WEB COPY

1.D.Rajendran

2.C.Kumaresan

3.T.John Raj

... Appellants/Petitioners

Vs.

1.The Commissioner,
Municipal Administration,
Chepauk,
Chennai.

2.The Regional Director,
Municipal Administration,
Tirunelveli,
Tirunelveli District.

3.The Commissioner,
Kulithurai Municipality,
Kulithurai,
Kanyakumari District - 629 163.

... Respondents/Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.17764 of 2013, dated 26.02.2018.

Prayer in WP(MD). 17764/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.4088/2012/Sil dated 19.12.2012 on the file of the respondent No.3 and quash the same as illegal and consequently to directing the respondent no.3 to regularize the services of the petitioners in the 3rd respondent municipality from the date of completion of three years of contingent service with all monetary benefits within the time stipulated .

For Appellants : Mr.D.Srinivasaragavan

For Respondent Nos.1 & 2 : Mr.R.Baskaran

Standing Counsel for Government

* * * * *

J U D G M E N T

(Judgment of the Court was delivered by T. S. SIVAGNANAM, J.)

Heard Mr.D.Srinivasaragavan, learned counsel for the appellants and Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent Nos.1 and 2.



2.The appellants are the Writ Petitioners, who are aggrieved against the dismissal of the Writ Petition, wherein they sought for regularization on completion of three years of service.

3.Admittedly, the appellants were appointed on a consolidated pay without following any recruitment process. However, the Government thought it fit to grant reprieve to the appellants and regularized their service with effect from 23.02.2006. After having obtained the regularization and enjoyed the benefits of the Government Order, the appellants want regularization with effect from 25.05.2003 i.e., on completion of three years of service. In this regard, the appellants placed reliance on G.O.Ms.No.199, Municipal Administration and Water Supply Department, dated 21.05.1998. It is not clear as to how the said Government Order is applicable to the appellants, who admittedly worked on consolidated pay. The learned Single Bench is absolutely right in rejecting the appellants' request. Therefore, the Court cannot direct regularization of the appellants on completion of three years of service. However, if the respondents want to grant additional relief to the appellants, we are not preventing them from that happening.

4.In the light of the above, we dismiss the Writ Petition with liberty to the appellants to approach the concerned authority by way of a representation with regard to their claim of retrospective regularization. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Commissioner,
Municipal Administration,
Chepauk, Chennai.



2.The Regional Director,
Municipal Administration,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-
20927[F] dated 01/07/2021)

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