



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)Nos.22395 and 22396 of 2017

A.Chellappa

...Petitioner
in W.P. (MD).No.22395 of 2017

C.Kaliyammal

...Petitioner
in W.P. (MD).No.22396 of 2017

Vs.

1.The Commissioner of Municipal Administration,
Cheppauk, Chennai- 600 006.

2.The Municipal Corporation,
Madurai Municipal Corporation,
Madurai-625 020.

3.The Commissioner of Town Panchayat,
Pudukulam Panchayat Beat No.II,
Thirupparankundram, Madurai- 625 005.

...Respondents
in both writ petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularise the petitioners' service on par with the similarly placed sweepers in view of G.O.Ms.Nos.71 and 21 of Municipal Administration and provide them all service benefits and also to incorporate their service details in the service register maintained by the 3rd respondent by considering their representations dated 6.11.2017, within the period stipulated by this Court.

In both writ petitions:

For Petitioner

:Mr.A.Haja Mohideen

For Respondents 1 and 3

:Mr.M.Muthugeethayan
Special Government Pleader

For Respondent No.2

:Mr.K.Govindarajan
Standing Counsel



COMMON ORDER

Since the issue involved in these writ petitions are one and the same, these writ petitions are taken up together and disposed of by a common order.

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These writ petitions have been filed for a direction to the respondents to regularise the petitioners' service on par with the similarly placed sweepers in view of G.O.Nos.71 and 21 of Municipal Administration and provide them all service benefits and also to incorporate their service details in the service register maintained by the 3rd respondent by considering their representations dated 6.11.2017, within the period stipulated by this Court.

2. The case of the petitioners is that the petitioners were working as Sweepers in Pudukulam Town Panchayat on daily wage basis from 1977-2010 and 1986-2010 respectively. In spite of repeated request for regularisation of their service, the third respondent did not regularise their service. Both of them have rendered more than 30 years of service as Sweeper. At the same time, the services of similarly placed sweepers were regularised with effect from 02.8.2001 as per G.O.Ms.Nos.71 and 21, Municipal Administration and Water Supply (NP3) dated 23.2.2006 and they come under old pension scheme. In order to avail such benefits, the petitioners made representations dated 6.11.2017 to the respondents. Since the same was not considered so far, the present writ petitions have been filed.

3. The learned counsel for the petitioners would submit that initially the petitioners were worked as sweepers in the Town Panchayat. Thereafter, the respective Town Panchayat were merged with the Madurai Corporation and the petitioners opted to serve in the Madurai Corporation. Though they have completed more than 30 years of service, their services were not regularised. Hence, in order to avail such benefits, they made representations to regularise their service in terms of the above said Government Orders, but the same was not considered so far. Hence, they approached this Court for the above said relief.

4. Mr.K.Govindarajan, learned Standing Counsel appearing for the 2nd respondent would submit that the issue arises in these writ petitions is no longer *res integra*. He would further submit that a Full Bench of this Court in a Review Application No.87 of 2014 (**Secretary to Government, Municipal Administration and Water Supply Department V. V.Marisamy**) reported in 2017 (3) CTC 673 issued a direction to regularise the services of the similarly situated persons. However, the State preferred SLP before the Hon'ble Supreme Court in SLP.No.21249/17 and an order of stay was granted on 28.8.2017. In view of the above developments, the prayer sought for in the present writ petitions cannot be considered. However, this



Court may grant liberty to the petitioners to work out their remedy after the disposal of the SLP pending before the Hon'ble Supreme Court of India.

5. In view of the above, these Writ Petitions are disposed of with liberty to the petitioners to work out their remedy in the manner known to law after the disposal of the SLP pending before the Hon'ble Supreme Court of India. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 of Municipal Administration,
Cheppauk, Chennai- 600 006.
 - 2.The Municipal Corporation,
Madurai Municipal Corporation,
Madurai-625 020.
 - 3.The Commissioner of Town Panchayat,
Pudukulam Panchayat Beat No.II,
Thirupparankundram, Madurai- 625 005.
- +1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-9377[F] dated 08/03/2021)

+1 CC to M/s.SPL GP (SR-9719[F] dated 09/03/2021)

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RP (17.05.2021) P 6C