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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.37867 OF 2007

- 1.P.Dhanapalan
- 2.K.Selvaraj
- 3.R.Mahalingam
- 4.M.Murugesan

...Petitioners

-Vs-

1. The Commissioner,
Salem Corporation,
Salem.
2. The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent's order made in Na.Ka.No.C3/28081/2007 dated 23.11.2007 and consequently direct the respondents to extend all benefits on regularization from the date of initial appointment i.e., November 1986 with both service and monetary benefits as had been done to other similar situations who were appointed subsequently during 1991.

For Petitioners	: Mr.L.Chandra Kumar
For R1	: Mrs.K.Bhuvaneswari
For R2	: Mr.T.Chezhiyan, Additional Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.



2. The petitioners herein were originally appointed as Sanitary Workers on 03.11.1986. Based on G.O.M.s.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, these petitioners claim that they would be entitled for regularization, after completion of one year on consolidated pay, with effect from one year from the date of issue of the Government order.

3. The respondents placed reliance on G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006, which stipulates that regularization will be effected from the date of issue of the Government order i.e., 23.02.2006 onwards.

4. The claim of the respondents by placing reliance on G.O.Ms.No.21, dated 23.02.2006, came up for consideration before an Hon'ble Full Bench of this Court in the case of The Secretary to Government, Municipal Administration and Water Supply Department and others Vs. V.Marisamy and others passed in Rev.Aplc.(MD) No.87 of 2014 in W.A.(MD) No.729 of 2013, etc., whereby it was held as follows:-

"29. In the result, Rev.Aplc.No.87 of 2014 is dismissed and Rev.Appl.Nos.223 and 254 of 2015 are allowed on the following terms:

a) Persons employed as sanitary workers and covered by G.O.Ms.No.101 dated 30.04.1997 and G.O.Ms.No.71 dated 05.05.98 are entitled to be regularized after the completion of the respective period under consolidated pay as specified in the Government Orders from the date of their initial appointment.

b) Any orders passed by any Municipality regularizing the service based on G.O.Ms.No.21 dated 23.02.2006, Full Bench Judgment dated 29.11.2013 and G.O.Ms.No.166 dated 31.12.2014 shall be recalled and appropriate orders shall be passed as held above."

5. It is now brought to the notice of this Court that the order of the Hon'ble Full Bench has been challenged in S.L.P (Civil) No.222 of 2018 and the same is pending before the Hon'ble Supreme Court. Since the issue is now under consideration before the Hon'ble Supreme Court, it would not be appropriate to adjudicate the present claim of the petitioners. However, if liberty is granted to the petitioners to workout their remedies subsequent to the outcome of the Special Leave Petition, the ends of justice could be secured.



6. In the result, the Writ Petition stands closed with liberty to the petitioners to workout their remedies in accordance with the final outcome of the Special Leave Petition. No costs.

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Commissioner,
Salem Corporation,
Salem.
2. The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.

+1cc to M/s.L.Chandra Kumar, Advocate, S.R.No.17948

+1cc to the Special Government Pleader, S.R.No.18345

W.P.No.37867 of 2007

SKM(CO)
RLP(29/03/2022)