



WEB COPY



W.P.No.23944 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.23944 of 2015
and M.P.No.1 of 2015

A.Bhuvaneshwari @ A.A.Pankaja

. . . Petitioner

Vs.

1.The Commissioner / Principal Secretary
Corporation of Chennai
Rippon Building
Chennai – 3.

2.The State of Tamil Nadu
Rep.by its Principal Secretary to Govt
Municipal Administration & Water
Supply Dept, Fort St George
Chennai – 600 009.

. . . Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent bearing No.Po.Thu.Na.Ka.En.E4 / 042902 / 2014 dated 24.02.2015, read with the order bearing No.30057 / mana3 / 2013 – 4 dated 13.10.2014 passed by the 2nd respondent and quash the same and consequently direct the respondents to regularize the petitioner's service as a Technical Assistant, with all consequential, monetary and other service benefits.



W.P.No.23944 of 2015

For Petitioner : Miss.Anna Mathew
for Mr.R.Thirumoorthy

For Respondents : Mrs.P.T.Ramadevi for R1
Mr.G.Velu, AGP for R2

ORDER

This writ petition is filed praying to quash the order passed by the 1st respondent dated 24.02.2015 and the order passed by the 2nd respondent dated 13.10.2014, whereby the petitioner's request to regularise her service in the post of Technical Assistant in the office of the 1st respondent was rejected.

2. It is averred in the writ petition that the writ petitioner joined the services of the 1st respondent as a temporary Technical Assistant on 16.04.1996. The petitioner along with other persons filed W.P.No.22100 of 2007 praying to absorb and regularise the service as per G.O.Ms.No.125 dated 27.03.1999 with effect from the date of initial appointment of such staff.

3. The Writ Petitions filed for regularization was heard along with batch of WPs and this court by order dated 23.04.2008 directed the 2nd respondent-Secretary to Government, Municipal Administration and Water Supply Department, to pass necessary orders.



W.P.No.23944 of 2015

WEB COPY

4. In the mean while, the petitioner was not found qualified for the post of Technical Assistant, hence, for the employment of Record Clerk, she filed W.P.No.21402 of 2009. The said writ petition was disposed of with a direction to the petitioner to make a representation to the 1st respondent-Commissioner, Corporation of Chennai, who in turn was directed to consider the same and pass appropriate orders.

5. Thereafter, the petitioner made a representation dated 06.02.2012 requesting the authorities to appoint her as Technical Assistant and regularise her service. The 1st respondent passed a resolution dated 28.10.2013 stating that as per G.O.Ms.No.15 dated 24.01.2013, employees who were working for more than 10 years as temporary Technical Assistants should be regularized.

6. The 1st respondent also made a proposal to the 2nd respondent for regularization of the petitioner. However, the 1st respondent by impugned order dated 13.10.2014 rejected the said proposal on the ground that the petitioner had not completed 10 years service. The 2nd respondent also by impugned order dated 24.02.2015 communicated to the petitioner that



W.P.No.23944 of 2015

regularization of her service is not approved. Challenging the same, the present writ petition is filed.

7. The typed set of papers placed before this court would go to show that in the resolution passed by the Chennai Corporation/1st respondent on 31.10.2013, it was resolved to regularize the services of the petitioner by taking note of 10 years of service rendered by her. Thereafter, on 21.11.2013, the 1st respondent also pointed out that as per G.O.No.46 dated 24.03.2008, employees who put 10 years of service are regularised and the petitioner who put more than 10 years service as Technical Assistant could also be considered for regularisation and sought for issuance of necessary Government Orders in that regard from the 2nd respondent. However, no order has been passed by the 2nd respondent regularizing the petitioner's service. In the considered opinion of this court, when similar relief has been granted to the similarly placed persons and the Government issued G.Os regularizing their services in the cadre of Technical Assistant, petitioner's case also to be considered and necessary regularization to be done forthwith.



W.P.No.23944 of 2015

8. In view of the foregoing reasonings, the writ petition is allowed. The impugned orders dated 13.10.2014 and 24.02.2015 are quashed. The 2nd respondent is directed to regularize the service of the petitioner in the post of Technical Assistant in the light of G.O.Ms.No.15 dated 24.01.2013 and grant all consequential benefits, if she is otherwise eligible for the same. Such an exercise shall be carried out within a period of three months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

28.11.2022

Index : Yes/No

Internet : Yes/No

Neutral citation: Yes/No

Speaking order/Non-speaking order

Jer/nvsri

Note:Registry is directed to issue order copy on 16.06.2023.

To

1.The Commissioner / Principal Secretary
Corporation of Chennai,Rippon Building
Chennai – 3.

2.The Principal Secretary to Govt
State of Tamil Nadu, Municipal Administration & Water
Supply Dept, Fort St George, Chennai – 600 009.



WEB COPY



W.P.No.23944 of 2015

J.NISHA BANU,J.

Jer/nvsri

Writ Petition No.23944 of 2015

28.11.2022