



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11450 of 2020

K.Varatharaj,
Field Worker,
S/o.Kothandaraman,
43C, Balaji Nagar, 15th Cross Street,
Anagaputtur, Chennai.

...Petitioner

Vs.

1.Principal Secretary to Government,
Municipal Administration and Water Supplies
Department, Fort St.George,
Chennai.

2.The Managing Director,
Chennai Metropolitan Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chennai - 600 002.

3.The Area Engineer,
Chennai Metropolitan Water Supply & Sewage Board,
Sholinganallu,
Chennai - 600 119.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, for a direction directing the respondents herein to regularize the services of the petitioner on completion of three years of service from date of his original appointment in the erstwhile Town Panchayat i.e. with effect from 09.01.1994 by extending the benefit of the orders passed by the first respondent herein in G.O.(2D).No.69 Municipal Administration and Water supplies (MW1) Department dated 28.08.2019, with all consequential service and monetary benefits, within a time-frame as deem fit and proper by this Court or issue any other appropriate Writ, Order, Direction in the nature of a Writ or another appropriate relief as this Court may deem fit in the circumstances of the case.

For Petitioner	:	M/s.G.Bala and Daisy
For R1	:	Mr.P.Balathandayutham
		Special Government Pleader



O R D E R

This writ petition has been filed to direct the respondents herein to regularize the services of the petitioner on completion of three years of his service from date of his original appointment in the erstwhile Town Panchayat i.e. with effect from 09.01.1994 by extending the benefit of the orders passed by the first respondent herein in G.O.(2D).No.69 Municipal Administration and Water supplies (MW1) Department dated 28.08.2019, with all consequential service and monetary benefits, within a time-frame as deem fit and proper by this Court.

2. Brief facts of the case:

(i). The petitioner was appointed as Office Assistant on 09.01.1991 at Sholinganallur Town Panchayat and he was in continuous employment under the second and third respondents for the past 25 years without any break in the service. Presently, the petitioner is being paid a monthly salary taking into account the minimum wages fixed by the District Collector from time to time on daily wages basis. Further, the petitioner service was regularized with effect from 23.06.2006, even though the petitioner was entitled for regularization of his services from the date of completion of three years from the date of his original appointment.

(ii). Hence, he made a representation before the respondents to consider his regularization of service from the date of completion of three years from the date of his original appointment in the light of the Government Order. But the same has not been considered by the respondents and it is still pending with the respondents. Therefore, the present writ petition has been filed by the writ petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Office Assistant on 09.01.1991 at Sholinganallur Town Panchayat and he was in continuous employment under the second and third respondents for the past 25 years without any break in the service. Further, he submitted that the petitioner service was regularized on 23.06.2006, even though he was entitled for regularization of his services from the date of completion of three years from the date of his original appointment. Hence, he made a representation before the respondents to regularize his service on completion of three years of service from the date of his original appointment in the erstwhile Town Panchayat and the said representation is still pending.

4. The learned Additional Government Pleader, appearing for the respondents submitted that the petitioner's representation to regularize his service on completion of three years of service from the date of his original appointment will be considered and orders will be passed by the first respondent/Principal Secretary to the Government in accordance with the law and as per the Government Orders.



5. Heard the respective counsel and perused the materials placed on record.

6. In view of the above facts and circumstances of the case and considering the fact that the representation made by the petitioner is still pending before the respondent, it is for the first respondent to consider the said representation and pass appropriate orders.

7. Therefore, this Court directs the first respondent to consider the said representation of the petitioner dated 11.11.2019 and pass appropriate orders on merits in accordance with law as early as possible preferably within a period of twelve weeks from the date of receipt of copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Principal Secretary to Government,
Municipal Administration and Water Supplies
Department, Fort St. George,
Chennai.
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MT (CO)
PR (04/03/2022)