

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.12991 OF 2014

AND

M.P.NOS.2 & 3 OF 2014

C.Mani

...Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The Regional Director of Municipal Administration,
Kumaran Commercial Complex,
Tirupur.

3.The Commissioner,
Corporation of Tirupur,
Tirupur District.

...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 relevant to the order in Na.Ka.No.E1/8317/2008 dated 17.11.2008 passed by the third respondent and quash the same in respect of petitioner alone as illegal, improper, unreasonable, against the natural justice and thereby, direct the respondents to regularize the service of the petitioner from 26.12.2002 to 18.05.2006 and fix the scale of pay and pay the arrears of salary for the above period to the petitioner.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.S.Prabhakaran
Government Advocate [R1 & R2]
Mrs.P.Shanthi [R3]

O R D E R

The grievance of the petitioner is that the benefit of regularization of services on completion of three years of daily wage employment has not been granted to him. The petitioner is working as Wireman in the Corporation of Tirupur.

2. Learned counsel appearing for the petitioner made a submission that as per the orders of the Hon'ble Division Bench of this Court, the petitioner is entitled for retrospective regularization of service on completion of three years in the Corporation.

3. The matter was referred to the Hon'ble Full Bench of this Court. Initially, the Full Bench dismissed the claim of the employees for retrospective regularisation of service on completion of three years of service. Later, the Full Bench has granted relief in Review Application No.223 of 2015 dated 30.05.2017. However, the said judgment of the Full Bench was taken, by way of an appeal, by the Corporation in SLP (C) No.21935 of 2017 and the Hon'ble Supreme Court of India granted stay of the judgment. This being the factum, the claim of the petitioner is to be considered only after the disposal of the SLP now pending before the Hon'ble Supreme Court of India.

4. Under these circumstances, the judgment to be passed by the Hon'ble Supreme Court of India in the aforesaid appeal will be basis for considering the claim of the petitioner. After disposal of the appeal by the Hon'ble Supreme Court of India, the respondents are bound to act in accordance with the principles.

With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

gm

To

- 1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 2.The Regional Director of Municipal Administration,
Kumaran Commercial Complex,
Tirupur.

3.The Commissioner.
Corporation of Tirupur,
Tirupur District.

+1cc to Mr.B.Sundarapandiyan, Advocate Sr.No.37728

+1cc to the Government Pleader Sr.No.37428

Writ Petition No.12991 of 2014

AK-II(CO)
RVM(11/07/2022)