



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.15776 OF 2017

1. K.M.Duraisamy
2. V.C.Aruchamy
3. A.Subramanian
4. P.Muruganathan
5. K.Gopal

...Petitioners

Vs

1. The Secretary to Government
Municipal Administration
And Water Supply Department
Fort St.George
Chennai-600 009.
2. The Director of Town
Panchayat, Kuralagam,
Chennai-600 106.
3. The Commissioner,
Coimbatore Corporation,
Coimbatore.
4. The Assistant Director of
Town Panchayat,
Coimbatore Region,
Coimbatore Collectorate,
Coimbatore -18.
5. The Assistant Director of
Town Panchayat,
Tiruppur Region,
Tiruppur District,
Tiruppur Collectorate, Tiruppur.
6. The Executive Officer,
Thirumalaiyampalayam
Town Panchayat,
Thirumalaiyampalayam,
Coimbatore District.



7. The Executive Officer,
Sankaramanallur Town Panchayat,
Sankaramanallur,
Tiruppur District.

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8. The Executive Officer,
Vellalur Town Panchayat
Vellalor,
Coimbatore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus by way of directing the respondents to implement the G.O.Ms.No.155 dated 9.3.2015 passed by the first respondent and accordingly all the petitioners have to bring into time scale of pay with arrears.

For Petitioners 1 to 4 : Mr.P.S.Jayakumar
For Petitioner 5 : Mr.M.Vijayaraghavan
For R1, R2, R4 & R5 : Mr.C.Selvaraj
Additional Government Pleader
For R3 : Mr.S.Saravanan
For R6 to R8 : No appearance

O R D E R

The 1st and 2nd petitioners herein are temporary employees working as "Water tank Operators" in the Coimbatore Corporation. In so far as the 1st petitioner is concerned, the learned Standing Counsel for the Corporation would submit that as per G.O.Ms.No.117, the Corporation Counsel has taken a decision to regularise the services of the petitioner and accordingly a proposal has been sent on 01.02.2021 and it has been forwarded to the Government which is pending. In so far as the 2nd petitioner is concerned, the learned Standing Counsel would submit that after 2017, the 2nd petitioner had abandoned his services and has not reported for duty till date.

2. In the light of the submissions made by the learned Standing Counsel, the Coimbatore Corporation shall endeavour to follow up the proposal sent by them to the Government and pass appropriate orders to bring the 1st petitioner under regular time



scale of pay in accordance with the approval to be granted by the Government. The 2nd petitioner, since had abandoned his services from 2017 onwards, will not be entitled for regularization or any service benefits.

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3. In so far as the 3rd and 4th petitioners are concerned, the Government in G.O.Ms.No.60 dated 23.06.2006 as well as G.O.Ms.No.155 dated 09.03.2015 had ordered for regularization of the employees who are similarly placed that of the petitioners 3, 4 and 5 herein and were brought under regular time scale of pay with effect from 23.06.2006 onwards, in the post of "Sweeper".

4. In so far as the 5th petitioner is concerned, it is stated by the learned Government Advocate that he had given his willingness to be absorbed as a "Sweeper" and accordingly the Government has also passed orders, bringing him to regular time scale of pay with effect from 23.06.2006 and he is continuing his services as on date.

5. The learned Counsels appearing for these petitioners 3, 4 and 5 would submit that they are willing to be absorbed as "Sweepers" and brought under regular time scale of pay with effect from 23.06.2006 onwards.

6. In light of the above observations, the following directions are issued,

(i) The 1st respondent shall take a final decision and pass appropriate orders in connection with the proposal sent by the Coimbatore Corporation on 01.02.2021 in connection with the 1st petitioner namely, K.M.Duraisamy son of Mallaiyan, within a period of eight (08) weeks from the date of receipt of a copy of this order.

(ii) The 1st respondent herein shall pass appropriate orders regularizing the services of the petitioners 3 and 4 namely A.Subramanian, son of Alagirisamy; and P.Muruganathan, son of Pitchaimuthu respectively in the post of "Sweeper" with effect from 23.06.2006 onwards and bring them under regular time scale of pay, within a period of eight (08) weeks from the date of receipt of a copy of this order.

(iii) The 1st respondent shall pass appropriate orders to extend the monetary benefits with effect from 23.06.2006 and disburse the same to the petitioners 3 and 4 atleast within a period of 8 weeks from the date of receipt of a copy of this order.

(iv) The claim of the 2nd petitioner is hereby rejected.

(v) The claim of the 5th petitioner has become infructuous, since he has already been regularised and brought under regular time scale of pay and in case the arrears of the salaries have not



been disbursed to the 5th petitioner, the same shall be done by the 1st respondent herein within a period of 8 weeks from the date of receipt of a copy of this order. This Writ Petition stands ordered, accordingly. No costs.

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Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

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Municipal Administration
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+3ccs to M/s.P.S.Jayakumar, Advocate, S.R.No.2086

+1cc to M/s.S.Parthasarathy, Advocate, S.R.No.2120

+1cc to M/s.S.Saravanan, Advocate, S.R.No.2227

+1cc to the Government Pleader, S.R.No.2241

W.P.No.15776 of 2017

NRL (CO)
RLP (14/02/2022)