



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3865 of 2022

S.Govindaraj

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep., by its Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
Municipal Administration
and Water Supply,
Chepauk, Chennai - 600 005.

3. The Ottanchattram Municipality,
Rep., by its Commissioner,
475, Palani Main Road,
Ottanchattram, Dindigul District.

4. The Dindigul Corporation,
Rep., by its Commissioner,
Dindigul, Dindigul District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 4th respondent's intimation in his proceedings in Na.Ka.No.2029/2014/E1 dated 11.10.2018 and quash the same as devoid of merits and consequently direct the respondents to pay the arrears of salary from 27.05.2021 as per GO (P) 233, Municipal Administration and Water Supply Department dated 21.09.2012 with interest at 18% per annum till the payment based on the petitioner's representations dated 09.06.2021 and 05.08.2021.

For Petitioner
For RR1,2

: Mr.Ananth C.Rajesh
: Mr.N.Satheesh Kumar,
Additional Government Pleader

For R3
For R4

: Mr.L.P.Mauria
: Mr.J.Lawrance



O R D E R

The order impugned dated 11.10.2018, declining the claim of the writ petitioner for regularisation and time scale of pay including arrears of pay, is under challenge in the present writ petition.

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2.The petitioner was appointed as Sweeper in Dindigul Municipality as daily wage worker on 19.01.1987. Admittedly, the services of the writ petitioner were not regularised. Along with 24 other similarly placed persons, the petitioner filed W.P.No.37676 of 2004. The petitioner states that the writ petition was allowed on 17.04.2006. However, the Government issued G.O.Ms.No.21, Municipal Administration and Water Supply (MC.3) Department, dated 23.02.2006 for regularisation of the daily wage employees. The petitioner further states that in spite of the order, the services of the petitioner were not regularised.

3.The fact remains that earlier, the petitioner filed W.P.No.37676 of 2004 and the Principal Seat of this Court at Madras directed respondents 1 and 2 therein to consider the case of the writ petitioners therein regarding the arrears of salary payable to them. Again the writ petitioner filed W.P(MD) No.999 of 2013 and this Court passed an order on 16.02.2018 granting liberty to the petitioner to approach the appropriate authority, if he is otherwise eligible to get the benefits in accordance with the Government Order. Pursuant to the said order, the 4th respondent issued the impugned proceedings dated 11.10.2018.

4.The order impugned states that the services of the petitioner were not regularised. In respect of certain temporary employees, the Government granted special time scale of pay. If at all the petitioner is eligible for such special time scale of pay, as per the Government Order, he has to approach the competent authority. However, in respect of the writ petitions filed against the Municipality, those writ petitions were rejected and further, it is stated that as per the Government Order, the arrears of pay cannot be granted and further, the reference made by the writ petitioner that such arrears are paid to other 22 persons is also incorrect.

5.Thus, the 4th respondent considered the eligibility of the petitioner to get arrears of pay in accordance with the Government Order passed in G.O.Ms.No.233, Municipal Administration and Water Supply Department, dated 21.09.2012. The said Government Order indicates that it was issued in respect of 10 employees of the Dindigul Municipality and such an order issued particularly with reference to certain employees of Dindigul Municipality cannot be extended to all the employees. In other words, the said Government Order is not a common order issuing directions to all



the employees of the Dindigul Municipality. Contrarily, the Government Order relates to 10 employees of the Dindigul Municipality. Thus, the very reference made by the petitioner is not related to the general fixation of pay or payment of arrears or otherwise. When the Government passed order particularly in respect of 10 employees, as per the letter of the Commissioner dated 21.08.2012, the same cannot be extended to all the persons without reference to their eligibility. Therefore, the 4th respondent ascertained the eligibility and found that the benefit of G.O.Ms.No.233 is not applicable to other employees and furthermore, such benefit is not granted to other 22 employees of the Municipality.

6.This being the factum, the claim of the petitioner in the present writ petition cannot be considered, as the order impugned is in consonance with the principles and the writ petition is liable to be dismissed.

7.Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)

Abr

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Municipal Administration and Water Supply,
Chepauk, Chennai - 600 005.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-9662[F] dated 03/03/2022)
+1 CC to M/s.L.P.MAURYA, Advocate (SR-9628[F] dated 02/03/2022)
+1 CC to M/s.SPL GP (SR-9751[F] dated 03/03/2022)
+1 CC to M/s.ANANTH C RAJESH, Advocate (SR-9486[F] dt 02/03/2022)

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