



W.P.Nos.20414 to 20417 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.20414 to 20417 of 2015

K.V.Baskaran	... Petitioner in W.P.No.20414 of 2015
S.Dharanipathy	... Petitioner in W.P.No.20415 of 2015
A.Sreenivasan	... Petitioner in W.P.No.20416 of 2015
A.Yonadhas	... Petitioner in W.P.No.20417 of 2015

Vs

1. State of Tamilnadu,
Rep. by its Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 600009.
2. The Director of Municipal Administration,
Ezhilagam,
Chepauk, Chennai – 600005.
3. The Commissioner,
Avadi Municipality,
Avadi, Chennai – 600053. ... Respondents in all W.Ps



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Common Prayer:- Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling upon the records of the third respondent dated 25.04.2005 in Mu.Mu.No.455/2005/C1 and quash the same and direct the respondents to implement the common order passed by this Court order dated 18.06.2022 made in W.P.No.19047 of 1994 and W.P.No.18748 of 1994, thereby regularizing the services of the petitioners in accordance with G.O.Ms.No.125 MA & WS Department dated 27.05.1999 appointing the petitioners with effect from 28.05.1999 for a period of one year on a consolidated pay of Rs.2,000/- per month and thereafter to bring the petitioners on the time scale of pay with effect from 28.05.200 together with all benefits.

For Petitioner
in all W.Ps : Mr.K.Shanmugakani

For Respondents
in all W.Ps : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader
(for R1 & R2)
Mr. R.Gopinath,
Standing Counsel (for R3)

COMMON ORDER



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These Writ Petitions have been filed challenging the order passed by the third respondent dated 25.04.2005, insofar as grant of scale of pay from 01.07.2002 for the employees who were regularized from 01.09.2001.

2. The petitioners had joined in the service of the third respondent/Municipality as Nominal Muster Roll Employee Wireman on 01.06.1996, 01.06.1996, 09.12.1993 and 07.12.1993. As per G.O.Ms.No.70, Municipal Administration and Water Supply Department, dated 05.05.1998, the Government directed all the Municipalities to create posts of Wireman, Helper specifying qualifications and to appoint the NMR Workers on permanent basis. As per the said G.O., the qualifications specified for the post of wireman was 8th Standard pass with ITI certificate and for the post of Helper, the prescribed qualification was 8th Standard pass. Accordingly, all the petitioners were appointed as Helper on a consolidated pay on 31.08.1998. Subsequently, the Government of Tamil Nadu has passed the Governmental Order in G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, directing



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to regularize the Nominal Muster Roll employees in Municipalities. Under the said G.O, all the Nominal Muster Roll employees have to be appointed on consolidated pay of Rs.2,000/- per month for a period of one year and thereafter, they have to be brought under the scale of pay.

3. However, the respondents failed to regularize the petitioners from 28.05.1999, instead, they were regularized only from 31.08.2001. Similarly placed persons have already filed Writ Petitions and they succeeded and also Writ Appeal filed by the Municipalities was also dismissed. Aggrieved by the same, the Municipalities filed a Special Leave Petition in SLP (C) No.21935 of 2017 before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India stayed the order passed by this Court. Therefore, the prayer sought for in these Writ Petitions cannot be considered now. However, subject to the result of SLP (C) No.21935 of 2017 on the file of the Hon'ble Supreme Court of India, the request of the petitioners may be considered.

4. With the above observations, these Writ Petitions are disposed



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of. No costs.

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Index:Yes/No

Neutral Citation/Yes/No

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To

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2. The Director of Municipal Administration,
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Chepauk, Chennai – 600005.
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G.K.ILANTHIRAIYAN, J.

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