



WEB COPY



WP.No.26747 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.26747 of 2012

R.Chidambaram

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Petitioner

Vs

1. Government of Tamil Nadu,
represented by Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai – 600 009.

2. The Director of Municipal Administration,
Chepauk, Chennai – 600 005.

3. The Commissioner,
Erode City Municipal Corporation,
Erode.

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Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the first respondent to pass orders on the proposals submitted by the third respondent in Lr.Na.Ka.No.4103/10/C1 dated 12.04.2010 regarding regularization of services of the petitioner from 11.07.1980 and to grant all consequential benefits.

For Petitioner

:

Mr.S.Balakrishnan

For R1 & R2

:

Mr.L.S.M.Hasan Fizal

Additional Government Pleader



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For R3 : Mr.M.Rajamathivanan

ORDER

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This Writ Petition has been filed for direction directing the first respondent to consider the representation of the petitioner to regularise his service from the date of his initial appointment viz., 11.07.1980.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Driver in the erstwhile Erode Municipality on 11.08.1980. However, the petitioner did not possess the prescribed educational qualification as per Tamil Nadu Municipal Engineering and Water Works Service Rules 1970. Therefore, his service was not regularised from the date of his appointment. Subsequently, based on the proposals of the Municipal Commissioner, Erode, dated 07.08.1984 and 04.06.1987, the recommendations were made to the Government to regularise the service of the petitioner. Accordingly, the Government has passed an order in G.O.Ms.No.105, Municipal Administration and Water Supply Department, dated 30.01.1990, thereby relaxed the age of the petitioner and ordered to



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regularise his service with effect from the date of issuance of the said order. Thereafter, the petitioner submitted a representation to regularise his service from the date of his initial appointment. The petitioner ought to have challenged the G.O. so far it relates to the date of regularisation instead of with effect from the date of issuance of order from the date of initial appointment. Without challenging the said G.O., his service was regularised on 11.07.1980.

4. In view of the above, this writ petition is devoid of merits and is liable to be dismissed. There shall be no order as to costs.

01.09.2023

Index:Yes/No
Internet:Yes/No
Lpp

To
1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai – 600 009.

2. The Director of Municipal Administration,
Chepauk, Chennai – 600 005.

3. The Commissioner,



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Erode City Municipal Corporation,
Erode.

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G.K.ILANTHIRAIYAN,J.

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