



W.P.No.33185 of 2015

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.33185 of 2015

and

M.P.No. 1 of 2015

P. Rajamanikkam

.... Petitioner

Vs

1. The Secretary to Government,  
Municipal Administration &  
Water Supply Department,  
Fort St. George, Chennai – 9.

2. The Commissioner of Municipal  
Administration,  
Chepauk, Chennai – 5.

3. The Commissioner,  
Pollachi Municipality,  
Pollachi.

4. The Commissioner,  
Rasipuram Municipality,  
Rasipuram.

.... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in connection with the impugned order



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passed by him in Na.Ka.No.42361/14/F3 dated 16.04.2015 and quash the same and direct the respondents to regularize the service of the petitioner, w.e.f. 20.07.1999 in pursuance of G.O.Ms.No.125, Municipal Administration & Water Supply (NP3) Department dated 27.05.1999 and grant him all consequential service and monetary benefits.

For Petitioner : Mr.Venkatramani  
Senior Counsel  
for Mr.M.Muthappan

For R1 & R2 : Mr.V.Veluchamy  
Additional Government Pleader

For R3 : Mr.R.Lakshminarayanan

For R4 : Mr.S.V.Duraisolaimalai

### **ORDER**

This writ petition has been filed challenging the impugned order dated 16.04.2015 in Na.Ka.No.42361/14/F3 passed by the second respondent, thereby rejecting the claim of the petitioner for regularisation of his service w.e.f. 20.07.1999 as per G.O.Ms.No.125, Municipal Administration & Water Supply (NP3) Department dated 27.05.1999.

2. The petitioner had entered into service as a daily wage labour under NMR in Pollachi Municipality on 21.07.1989. As per G.O.Ms.No.125, Municipal Administration & Water Supply (NP3) Department dated 27.05.1999, for appointment of persons, who were



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working in NMR on regular basis, should have completed 10 years of service without break in the entry level post. The petitioner had completed 10 years as early as on 01.10.1998 and should be included in the appointment on regular basis. By an order dated 27.05.1999, the third respondent had prepared a list of persons consisting of 65 names, in which the name of the petitioner was found in Sl.No.6. Some of the juniors to the petitioner in the entry level post were regularised as early as on 31.12.1999. Whereas, the petitioner was regularised only from 01.07.2006. Therefore, the petitioner made a representation to consider for regularization of his service on par with his juniors, who have been granted regularisation w.e.f. 31.12.1999. The said representation was not considered and as such, the petitioner was constrained to file writ petition before this Court in W.P.No.28828 of 2014. This Court, by an order dated 06.11.2014, had directed the respondent to consider the representation of the petitioner and pass orders on merits within a period of eight weeks. However, the second respondent rejected the request of the petitioner by an impugned order dated 16.04.2015.

3. The learned Senior Counsel appearing for the



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petitioner would submit that as per G.O.Ms.No.125, Municipal Administration & Water Supply (NP3) Department dated 27.05.1999, whoever completed 10 years of service as NMR on regular basis are entitled for appointment as NMR on regular basis. Though the petitioner had completed 10 years of his service, he was not appointed as NMR on regular basis with consolidated salary.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

5. On perusal of the counter filed by the third respondent and on submissions made by the counsel for the third respondent revealed that though the petitioner was entered into service as a daily wage labour under NMR Scheme in Pollachi Municipality from 21.07.1989. As per G.O.Ms.No.125, Municipal Administration & Water Supply (NP3) Department dated 27.05.1999, those who were completed 10 years of service, their salary was consolidated and after completion of one year, their service must be regularised. However, the petitioner's



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salary was not consolidated and after consolidation of his salary, he was regularised from 01.07.2006. That apart, the petitioner made a representation only on 11.06.2012, i.e., after a period of six years.

6. Therefore, the second respondent has rightly rejected the request made by the petitioner and this Court finds no infirmity or illegality in the order dated 16.04.2015 passed in Na.Ka.No.42361/14/F3 by the second respondent. Accordingly, this Writ Petition Stands dismissed. However, the petitioner is at liberty to make a request in respect of his consolidation of salary after completion of his 10 years service as labour. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes  
Index: Yes/No  
Speaking/Non-speaking order  
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**G.K.ILANTHIRAIYAN, J.**



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WEB COPY To

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