



W.P. No.5086 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. No.5086 of 2015

K.Rathinam

....Petitioner

-VS-

The Commissioner,
Virudhachalam Municipality,
Virudhachalam 606 001
Cuddalore District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to regularise the services of the petitioner with effect from 01.10.1997 and grant him all consequential benefits.

For Petitioner : Mr.P.Mohanraj

For Respondent : Mr. R.P.Prathap Singh



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ORDER

This writ petition has been filed for writ of Mandamus to direct the respondent to regularise the services of the petitioner with effect from 01.10.1997 and grant him all consequential benefits.

2. The petitioner was appointed as Tank Operator at Virudhachalam Municipality in February 1984. Since his services were not regularised, he approached the Tamil Nadu Administrative Tribunal along with five other persons in O.A.No.3978 of 1991, praying for a direction to regularise their services. On 12.02.1993, the Tribunal passed an order in the said Original Application, directing the respondent to take appropriate action to regularise the services of the petitioners therein. Since no further action was taken by the respondent, the petitioners filed Original Application in No.2405 of 1998. However, when the said case was pending, an order was issued on 23.10.2006 appointing the petitioners in the post of Sanitary Worker, in the time scale of pay with effect from 01.11.2006.

3. The learned counsel for the petitioner would submit that some of the applicants in O.A.No.2405 of 1998, filed W.P.Nos.40694 of 2005, 15136 to



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15138/2008 and this court by order dated 30.11.2009 directed the respondents therein -(1) The Secretary to Government, Municipal Administration and Water Supply Department, (2) The Commissioner of Municipal Administration and (3) The Commissioner, Virudhachalam Municipality, to regularise the services of the petitioners/employees as per G.O.Ms.No.21 dated 23.02.2006 as on 1.10.1996 and also directed that the said regularisation shall be counted only for the pensionary benefits and not for any other purpose.

4. As per the directions of this Court, the Commissioner, Virudhachalam Municipality, by proceedings dated 18.06.2010, regularised the services of the petitioners/employees in W.P.Nos.40694/2005, 15136 to 15138/2008. The learned counsel for the petitioner would submit that the petitioner is also similarly placed employee, however, his service has been regularized only from 01.11.2006 and not from 01.10.1996. Therefore the petitioner submitted a representation to the respondent dated 17.08.2014 requesting to regularise his services with effect from 01.10.1996. Since the same has not been considered, the present writ petition, has been filed.



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5. On the other hand, Mr.R.P.Prathap Singh, learned counsel appearing for the respondent-Commissioner, Virudhachalam Municipality, reiterating the submissions in the counter affidavit, would submit that even though the petitioner was appointed as Tank Operator in Virudhachalam Municipality in February 1984, he has been appointed in the post of Sanitary Worker with effect from 01.11.2006 only, therefore, the representation of the petitioner for regularisation has been rejected by the respondent during the pendency of this writ petition.

6. Heard both sides.

7. A perusal of the entire typed set of papers would go to show that the petitioner is similarly placed employee as that of the petitioners in W.P.Nos.40694/2005, 15136 to 15138/2008 dated 30.11.2009. As such, the petitioner alone cannot be discriminated in granting regularisation with effect from 01.10.1996. Therefore, this Court directs the respondent-Commissioner, Virudhachalam Municipality, to regularise the services of the petitioner with effect from 01.10.1996 as per G.O.Ms.No.21, dated 23.02.2006, within a



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period of 12 weeks from the date of receipt of a copy of this order. Such regularisation effected shall be counted only for the pensionary benefits of the petitioner and not for any other purpose.

8. This Writ Petition is allowed on the above terms. No costs.

15.03.2023

sts/nvsri

To:

The Commissioner,
Virudhachalam Municipality,
Virudhachalam 606 001
Cuddalore District.



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J.NISHA BANU, J.,

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