



W.A.No.320 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**W.A.No.320 of 2018 and**

**CMP No.2607 of 2018**

The Managing Director,  
Chennai Metropolitan Water Supply and  
Sewerage Board, No.1, Pumping Station Road,  
Chindatripet, Chennai 600 002.

... Appellant

Vs.

1. M.Mari
2. C.Rajammal
3. V.Yesaiah
4. A.Ramasamy
5. R.Jgannadhan
6. R.Kuppan
7. G.Ravi
8. M.Udayakumar
9. Y.Subbamma
10. J.Velankanni
11. K.Gnanam
12. R.Desingh
13. A.Sakthivel
14. K.Pushpalingam
15. P.Gopal



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16. Principal Secretary to Government,  
Municipal Administration and  
Water Supply Department, Fort St. George,  
Chennai 600 009.

17. The Director of Town Panchayat  
Kuralagam Buildings, Chennai 600 108.

18. The Commissioner, Municipal Administration,  
Chepauk, Chennai 600 005.

19. The Commissioner, Corporation of Chennai.  
Ripon Building, Chennai 600 003.

20. The Executive Engineer,  
Corporation of Chennai, Zone XIV,  
Zonal Office, Puzhudhivakkam,  
Perungudi, Chennai.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the  
order dated 04.06.2013 made in W.P.No.13455 of 2013 by this Court.

For Appellant : Mr.P.Wilson, Senior Counsel  
for Mr.Krishna Ravindran

For Respondents : Mr. K.Venkataramani, Senior Counsel  
for M/s G.Bala & Daisy  
for R1, R4, R5, R7, R8, R11, R12 and R14



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Mr.P.Anandakumar, Additional Govt.Pleader  
for R16, R17 and R18

Mr.S.Silamnabanan,  
Additional Advocate General  
for Mr.S.Gopinathan for R19 and R20

R2, R3, R6, R9, R10, R13 & R15 -Given up.

### J U D G M E N T

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

Challenging the order dated 04.06.2013 in W.P.No.13455 of 2013 by  
this Court, this Writ Appeal has been filed.

2. The appellant is the 6th respondent in the writ petition and the respondents 1 to 15 herein are the writ petitioners in W.P.No.13455 of 2013. The writ petitioners were appointed in various posts, viz., Overhead Tank operator, scavenger, Gate Value operator, Sweeper and Plumber on consolidated pay, on various dates from the year 1981 to 2005, in the



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erstwhile Kottivakkam Panchayat, which now comes under the Corporation of Chennai. They filed the above said writ petition to bring their service into regular time scale of pay from the date on which they completed three years of service, as per G.O.Ms.No.199, Municipal Administration and Water Supply Department, dated 12.08.1997; G.O.Ms.No.84 Municipal Administration and Water Supplies Department, dated 21.05.1988; and also in term of the judgement of the Division Bench of this Court in W.A.No.47 and 385 of 2010 dated 23.06.2010, with all consequential and monetary benefits.

3. The Writ Court, by order dated 04.06.2013, directed the first respondent, namely, Principal Secretary to Government, Municipal Administration and Water Supplies Department, Fort St. George, Chennai, to grant scale of pay to the petitioners from the date, when they completed three years of service on consolidated pay, with all consequential service and monetary benefits, within a period of 8 weeks from the date of receipt of the order.



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4. Challenging the above order, the 6th respondent in the Writ Petition, namely, the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, has filed the present appeal on various grounds. The main contention of the appellant is that the above said G.O.Ms.No.199, dated 12.08.1997, is applicable only to sweepers in Town Panchayats alone and not to the writ petitioners, who were appointed as overhead tank operators in the Kottivakkam Panchayat.

5. The learned Senior Counsel appearing for the appellant/6th respondent submitted that some of the writ petitioners had already been submitted letters on 08.06.2017 and 15.06.2017, relinquishing their earlier service in the erstwhile local body, namely Kottivakkam Panchayat. Subsequently, the Board had passed a resolution dated 13.12.2018 and recommended the Government to regularize the service of the temporary workers. Accordingly, the Government has passed order in G.O.(Ms) No.103, Municipal Administration and Water Supply (MW1) Department, dated 08.08.2019, thereby, service of the temporary daily wage workers, transferred from erstwhile locals bodies was regularized from the date of



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resolution passed by the Board of Directors of CMWSS Board, dated 13.12.2018. Therefore, in view of G.O(Ms).No.103 dated 08.08.2019, the order of the Writ Court may be set aside.

6. Heard the learned Senior counsel for the appellant and the learned Senior counsel for the writ petitioners and the learned Additional Government Pleader, appearing for the official respondents.

7. The respondents 1 to 15 herein are the writ petitioners and in this appeal, prayer against respondents- 2, 3, 6, 9, 10, 13 and 15 are given up.

8. A perusal of the records shows that the writ petitioners and others, who were transferred from the erstwhile local bodies, are working as temporary workers in the CMWSS Board/appellant herein. Further, some of the writ petitioners had already submitted letters on 08.06.2017 and 15.06.2017, relinquishing their earlier service in the erstwhile local bodies, namely, Kottivakkam Panchayat. Subsequently, the CMWSS Board had passed a resolution dated 13.12.2018, and recommended the Government to



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regularize the services of the temporary workers, who were transferred from the erstwhile local bodies, subject to verification of original documents and they will be considered for fresh appointment uniformly in the post of Field Worker in the pay band of Rs.4800-10000 with grade pay of Rs.1300/- pay level-1 (Rs.15,700-50,000). Those temporary workers, who have completed the age of 60 years; or gone on unauthorized absence; or expired; or resigned, will not be eligible for the appointment.

9. Subsequent to the recommendation made by the Board, the Government has passed an order in G.O.(Ms) No.103, Municipal Administration and Water Supply (MW1) Department, dated 08.08.2019, regularizing the services of the temporary daily wage workers, transferred from erstwhile locals bodies from the date of resolution passed by the Board of Directors of CMWSS Board, dated 13.12.2018.

10. It is made clear that the dispute between the parties is only in respect of giving regularization with retrospective effect, from the date on which the writ petitioners completed three years of service. The



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respondents/writ petitioners disputed the letter dated 08.06.2017 and 15.06.2017. Therefore, it is open to the writ petitioners to challenge the above said Government Order in G.O.(Ms) No.103, Municipal Administration and Water Supply (MW1) Department, dated 08.08.2019, if so advised. At this Juncture, the learned counsel appearing for the respondents/writ petitioners also seeks liberty to challenge the above said Government Order.

11. Accordingly, the order passed by the Writ Court is set aside and the Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed. If the writ petitioners challenge the above said G.O.(Ms) No.103 dated 08.08.2019, the parties to the Writ Appeal are at liberty to agitate all the grounds raised in the Writ Appeal, before the appellate authority.

**(D.K.K.J.)**

**(K.G.T.J.)**

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