



W.A.Nos.1720, 1721, 1722 & 1724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.Nos.1720, 1721, 1722 & 1724 of 2023
and C.M.P.Nos.15225, 15227, 15234 & 15237 of 2023

1.Tamil Nadu Pollution Control Board,
represented by its Chairman,
No.76, Mount Salai, Guindy,
Chennai – 600 032.

2.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai – 600 032.

.. Appellants in
all appeals

Vs.

M.Amuthaselvan
S/o.S.Madasamy

.. Respondent in
W.A.No.1720 of 2023

N.Jayasankarasubramaniam
S/o.S.Natarajan

.. Respondent in
W.A.No.1721 of 2023

A.Raju
S/o.Arumugam

.. Respondent in
W.A.No.1722 of 2023

V.G.Ganesh Kumar
S/o.Gurunathan

.. Respondent in
W.A.No.1724 of 2023



W.A.Nos.1720, 1721, 1722 & 1724 of 2023

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, against the common order dated 24.09.2020 passed by the learned Judge in W.P.Nos.31981, 31983, 20455 & 31982 of 2013, respectively.

For Appellant
in all appeals

: Mr.Silambannan
Additional Advocate General
assisted by
Mrs.Vijayakumari Natarajan

For Respondent
in all appeals

: Mr.Balan Haridoss

COMMON JUDGMENT

[Judgment of the court was delivered by R.MAHADEVAN, J.]

These writ appeals have been filed by the appellants / Tamil Nadu Pollution Control Board, Chennai, challenging the common order dated 24.09.2020 passed by the learned Judge in W.P.Nos.31981, 31983, 20455 & 31982 of 2013.

2.The case in brief is as follows:

The respondent(s)/writ petitioner(s) were recommended by the employment exchange for appointment to the post of Field Assistants and



W.A.Nos.1720, 1721, 1722 & 1724 of 2023

they were appointed on 22.11.1996. Seeking regularisation of their services from the date of their appointment, they made representations to the appellants. While the representation of the respondent in W.A.No.1722 of 2023 was pending, the representations made by the respondent(s) in W.A.Nos.1720, 1721 and 1724 of 2023 were rejected *vide* order dated 31.10.2013. Hence, the respondent(s) approached the writ court by filing WP.Nos.20455, 31981 to 31983 of 2013, which, by order dated 24.09.2020, were disposed of, by the learned Judge. Therefore, the present writ appeals.

3. Mr Silambannan, the learned Additional Advocate General appearing for the appellants submitted that the respondents were initially employed on daily wage basis as Non-Muster Roll (NMR) workers, receiving consolidated pay. On 01.08.1997, the Board issued a circular stating that future appointments on NMR basis should be avoided, followed by another circular dated 10.03.1998, which stated that pursuant to the Board proceedings dated 01.08.1997, it was decided not to engage NMR workers in future. Therefore, the services of the existing NMR workers were to be terminated upon completion of 89 days. In accordance with the circular



W.A.Nos.1720, 1721, 1722 & 1724 of 2023

dated 10.03.1998, the respondents' services were terminated, resulting in a break after 89 days. Subsequently, as per the Board proceedings dated 28.10.1999, they were appointed on regular basis with the pay scale of Rs.3,200-85-4900, but the respondents have not even challenged the order dated 28.10.1999. It is further submitted that the order of the learned judge, based on the earlier order passed in W.P.No.9969 of 2010, dated 18.04.2011, is unsustainable, in view of the fact that the regularization of service of the petitioner in that case was granted from the date of creation of the sanctioned post of Electrician and not from the initial date of appointment. Whereas, in the present case, the learned judge, without properly appreciating the facts, disposed of the writ petitions by directing the appellants to consider the claim of the respondents, by the order impugned herein, which is arbitrary, illegal and contrary to law.

4. Per contra, the learned counsel appearing for the respondents would submit that the names of the respondents were sponsored by the employment exchange, to the post of Field Assistants and they have been working in the appellant Board continuously. Taking note of the same, the



W.A.Nos.1720, 1721, 1722 & 1724 of 2023

learned Judge has rightly passed the order impugned herein, which does not call for any interference by this court.

5. Heard the rival submissions and perused the materials available on record.

6. It is not in dispute that the respondents were appointed as Field Assistants in 1996 through employment exchange and their services were regularized in 1999 and that, they have been regularly working in the appellant Board. It is also not in dispute that similarly placed persons were regularised from the date of their initial appointment. Considering these aspects as well as the earlier order dated 18.04.2011 passed in WP.No.9969 of 2010, the learned Judge directed the appellants to consider the claim of the respondents seeking regularisation of the services from the date of their initial appointment and pass appropriate orders, purely on merits and in accordance with law. While passing such orders, the learned Judge directed the appellants to take into consideration the earlier order dated 18.04.2011 passed in WP.No.9969 of 2010. This court finds no



W.A.Nos.1720, 1721, 1722 & 1724 of 2023

infirmity or illegality in the order so passed by the learned Judge, warranting interference.

7. In fine, all these writ appeals stand dismissed as devoid of merits.

As a sequel, the appellants are directed to comply with the order of the learned Judge in letter and spirit, within a period of two weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [M.S.Q., J.]
13.07.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
nsd

To

1.The Chairman, Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai – 600 032.

2.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
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W.A.Nos.1720, 1721, 1722 & 1724 of 2023

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MOHAMMED SHAFFIQ, J.

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