



WEB COPY



W.A.No.1729 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/3/2023

C O R A M

THE Hon'ble Mr.Justice D.KRISHNAKUMAR

a n d

THE HONBLE Ms.Justice K.GOVINDARAJAN THILAKAVADI

Writ Appeal No.1729 of 2014

a n d

M.P.No.1 of 2014

The Commissioner
Hosur Municipality
Hosur.

...

Appellant

Vs

1. S. Lakshmanan
2. M. Subramani
3. G. Sudhakar
4. R. Palanivel
5. P. Elango
6. C. Krishnamoorthy
7. The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St. George
Chennai.
8. The Director of Town Panchayat
Kuralagam
Chennai.

...

Respondents

PRAYER : Appeal filed under Clause 15 of the Letter Patent against the order dated 21/4/2014 made in W.P.No.31284 of 2013.



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For appellant	...	Mr.T.Balaji
For respondents	...	Mr.V.Vijay Shankar for R.R.1 to 6 Mr.G.Krishna Raja Additional Government Pleader for R.R.7 and 8

- - - - -
J U D G M E N T

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

This writ appeal has been filed against the order dated 21/4/2014 made in W.P.No.31284 of 2013.

2. Writ Petition No.31284 of 2013 has been filed to direct the Secretary to Government of Tamil Nadu, Municipal Administration and Water Supply Department and the Director of Town Panchayat to regularise the services of the respondents 1 to 6 by bringing them on time scale of pay with effect from 28/11/2004 provided under G.O.Ms.No.198 (MAWS) Department, dated 26/10/1998 and in the light of the judgments passed by this Court in W.P.No.25620 of 2006, dated 17/9/2008 and W.A.No.47 of 2010, dated 23/6/2010 with all consequential and attendant benefits.

3. Vide, order, dated 21/4/2014, a learned Single Judge of this Court had allowed the writ petition, directing the respondents therein to regularise



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the service of the petitioners on completion of three years from the date when they were appointed on consolidated pay into regular time scale of pay, within a period of three months from the date of receipt of a copy of the said order and monetary benefits pursuant to the regularisation shall be paid to the respondents 1 to 6 herein within four weeks, thereafter.

4. Being aggrieved, the appellant has come forward with the instant writ appeal praying for the relief as stated therein.

5. Heard Mr.T.Balaji, learned counsel for the appellant, Mr.V.Viay Shankar, learned counsel for the respondents 1 to 6 and Mr.G.Krishnaraja, learned Additional Government Pleader for the respondents 7 and 8.

6. Today, when the matter is taken up for hearing, both the parties have agreed that the issue raised in this writ appeal is pending before the Hon'ble Supreme Court in Special Leave to Appeal (C) No.19874 of 2017. Vide, order, dated 14/8/2017, the Hon'ble Supreme Court had stayed the impugned final judgment and order dated 30/5/2017 in R.A.No.254 of 2015 in W.P.(MD) No.1083/2012, passed by the High Court of Madras.



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7. The learned counsel appearing for the appellant submitted that the appellant Department has agreed to consider the request of the respondents 1 to 6, for regularisation of service.

8. Submission of the learned counsel appearing for the appellant is recorded.

9. In view of the matter pending before the Hon'ble Supreme Court, both the parties have agreed that the issue may be left open and therefore, liberty is granted to the appellant to consider the claim of the writ petitioners and take appropriate decision, depending upon the outcome of the decision of the Hon'ble Supreme Court.

10. Accordingly, the impugned order, dated 21/4/2014 passed in W.P.No.31284 of 2013 is set aside and the writ appeal stands allowed with the above liberty. No costs. Consequently, the connected M.P is closed.

(D.K.K.,J) (K.G.T.,J)
20th March, 2023

mvs.

Index: Yes/No

Neutral Citation: Yes/No



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