



W.P.No.23851 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.23851 of 2010

- 1.M.Perumal
- 2.C.Pandian
- 3.G.Balraj
- 4.V.L.Murali
- 5.N.Nagarajan
- 6.S.Elango
- 7.P.Rajavel
- 8.S.Ramesh
- 9.D.Johnson
- 10.R.Sridhar

... Petitioners

Vs.

- 1.State of Tamil Nadu,
Rep. By Secretary,
Municipal Administration Department,
Fort St.George, Chennai.

- 2.The Director of Municipal Administration,
Chepauk, Chennai.

- 3.The Executive Officer,
Pammal Municipality, Pammal, Chennai-75.

- 4.The Commissioner,
Tambaram Corporation, Tambaram, Chennai-45. ... Respondents

(R4 impleaded vide order dated 11104 of 2022 in W.M.P.No.5956 of 2022 in W.P.No.23851 of 2010 by DBCJ)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to regularise the services of the petitioners as Driver and pay equal work for equal pay for the period the petitioners rendered service.

For Petitioners : Mr.K.M.Ramesh
Senior Advocate
For Respondents : Mrs.Geetha Thamaraiselvan
Special Govt. Pleader (for R1 & R2)
Mr.S.Nedunchezhiyan
for M/s.E.Ranganayaki (for R3 and R4)

ORDER

The writ petition is filed praying for a writ of Mandamus to direct the Respondents to regularise the petitioners as Driver and pay equal work for equal pay for the period the petitioners rendered service.

2. The petitioners were initially engaged to a temporary post by the 3rd respondent Pammal Municipality and were continued to be engaged. The 3rd Respondent Pammal Municipality which was initially a Selection Grade Panchayat was later upgraded to Municipality. Though the 3rd respondent did not have any sanctioned post for driver, the petitioners were engaged regularly and they had been working on consolidated pay. The requirement



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for a driver is perennial in nature and the petitioners being in possession of Heavy Driving Licence and their services are being continuously / regularly utilized by the 3rd respondent. Further, as Pammal Municipality merged with the Tambaram Corporation, it was stated that there are several vacancies to the post of driver in Tambaram Corporation, they must be regularised.

3. During the course of hearing, it was submitted by the learned counsel for the petitioners and not seriously objected by the respondents, that the petitioners may be granted liberty to submit a fresh representation under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981. If any such representation is submitted by the petitioners, the same will be considered and appropriate orders will be passed in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order by the respondents. While doing so, the Respondents shall also take into account the sanctioned posts that are available with the Tambaram Corporation and if there are adequate posts and if the petitioners are found eligible, they may be absorbed. In case for some reason, there are no sanctioned posts and if the Respondents were to



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find that the petitioners are otherwise entitled to conferment of permanent status, the Respondents shall also examine the issue of conferment of permanent status and consequential / attendant benefits. However, in respect of the 10th petitioner, the matter stands dismissed as withdrawn vide an order of this Court dated 08.07.2014 and in respect of the 3rd petitioner, it was submitted by the learned counsel for the petitioner that the petitioner is no more and the claim is not pressed, he has also made an endorsement to the said effect on 23.03.2023.

4. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition, if any, is closed.

21.06.2023

Speaking (or) Non-Speaking Order

Index : Yes/ No

Neutral Citation: Yes/ No

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To:

1. The Secretary,
Municipal Administration Department,
Fort St. George, Chennai.
2. The Director of Municipal Administration,
Chepauk, Chennai.
3. The Executive Officer,
Pammal Municipality, Pammal, Chennai-75.
4. The Commissioner,
Tambaram Corporation, Tambaram, Chennai-45.



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MOHAMMED SHAFFIQ, J.

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