



WEB COPY



W.P.No.17878 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.17878 of 2020
and W.M.P.Nos.22166 & 22774 of 2020

S.Dayalan

...

Petitioner

/vs/

1. The Secretary to Municipal Administration
and Water Supply Department,
Fort St. George, Chennai – 9.

2. The Director of Town Panchayat,
8th Floor, Santhome High Road,
MRC Nagar, Raja Annamalai Puram,
Chennai – 600 028.

3. The Executive Officer,
Panapakkam Town Panchayat,
Ranipet District.

... Respondents

Writ Petitions are filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to bring the petitioner under regular time scale either in the category of Over Head Tank Operator or Sweeper from the date (11.09.2001) on which the resolution



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was passed by the third respondent Town Panchayat with all attendant benefits.

For Petitioner ... Mr.P.I.Thirumoorthy
For Respondents ... Ms.P.Rajarajeswari
Government Advocate for R1 and R2
Mr.D.Gopal for R3

ORDER

This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondents 1 to 3 to bring the petitioner under regular time scale either in the category of Over Head Tank Operator or Sweeper from the date (11.09.2001) on which the resolution was passed by the third respondent Town Panchayat with all attendant benefits.

2. The petitioner is said to be working as an Over Head Tank Operator for the past 24 years in the third respondent Town Panchayat for nearly 24 years and the Town Panchayat has passed a resolution to bring the petitioner under the regular time scale of pay. The grievance of the petitioner is that the petitioner was not considered to be posted though vacancy was available.



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3. When the matter was taken up on 10.10.2023 the learned counsel for the third respondent sought further time to get instruction. When the matter is taken up today also no submission has been made except seeking further time.

4. The petitioner claims that he is entitled to get a regular time scale as per G.O.Ms.198 Municipal Administration and Water Supply Department dated 26.10.1998. Despite the third respondent had passed a resolution by approving the eligibility of the petitioner to get regular time scale, so far the same was not implemented.

5. However the learned counsel for the third respondent submitted that the petitioner is not a direct employee under the third respondent but the petitioner is employed under the Self Help Group and the third respondent is disbursing the wages meant to the petitioner and similar other persons only through the Self Help Group and hence the petitioner cannot expect to get a regular time scale pay from the hands of the third respondent directly.



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6. However the learned counsel for the petitioner submitted that Self

Help Group Scheme has been introduced in the year 2019 but the petitioner is working from 1995 onwards. In G.O.Ms.No.198 Municipal Administration and Water Supply Department dated 26.10.1998, it is stated that those casual workers who have been in consolidated pay as on 31.12.1996 can be considered to get the regular time scale of pay. Even as per the resolution of the third respondent, the petitioner is seen to have been working from the year 1995 and hence he comes under G.O.Ms.198 Municipal Administration and Water Supply Department dated 26.10.1998.

7. In similarly placed circumstances involving the employees like the petitioner, this Court has passed the order to consider the employees to be brought under the folder of regular time scale. Since the petitioner is seen to be employed before 31.12.1996, he is entitled to get whatever benefits that might be conferred upon him in view of G.O.Ms.198 Municipal Administration and Water Supply Department dated 26.10.1998.



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8. In view of the reasons stated above, this Writ Petition is allowed and the respondents are directed to bring the petitioner under regular time scale either in the category of Over Head Tank Operator or Sweeper with effect from 11.09.2001, with all attendant benefits in the light of G.O.Ms.No.198 Municipal Administration and Water Supply Department dated 26.10.1998. No costs. Connected miscellaneous petitions are closed.

30.10.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn

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