



W.P.No.7717 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.7717 of 2017

and

W.M.P.No.8451 of 2017

1.Ravivarman
2.V.Ramesh
3.Ney.Muruganandam

... Petitioners

Vs.

1.The Commissioner,
Pondicherry Municipality,
Puducherry.

2.The Director,
Local Administration Department,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to re-engage the petitioners as Daily Rated Helper/ Mazdoors in the Pondicherry Municipality or any other Municipality or Panchayat.



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For Petitioners : Mr.V.Ajayakumar

For Respondents : Dr.B.Ramasamy,
Additional Government Pleader
(Puducherry)

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to re-engage the petitioners as Daily Rated Helper/Mazdoors in the Pondicherry Municipality or any other Municipality or Panchayat.

2.It is the case of the petitioners that they are daily rated helpers in the Pondicherry Municipality. They joined duty on 01.02.2005 at the rate of Rs.60/- per day and subsequently, revised to Rs.110/- per day. The qualification prescribed was a pass in 8th Std. On the basis of Notification dated 11.01.2005, the petitioners were selected as Mazdoors. They were engaged in assessing the property tax and other related works. The petitioners were permitted to work for 30 days in a month without any break. Thereafter, several persons were engaged by the 1st respondent on



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daily rated basis in Class -IV post and they were also working. Suddenly, the petitioners were terminated from service orally without assigning any reason at all.

3.It is the further case of the petitioners that the petitioners joined service earlier than the subsequent batches of employees who were engaged afterwards. The respondents ought to have resort the principle of last come first go, but the petitioners were not engaged even though many of the juniors to the petitioners were re-engaged in the 1st respondent Municipality and in many other departments. Therefore, the petitioners are also entitled to get re-engagement on par with the juniors to the petitioners. He would submit that as per G.O.Ms.No.92 of 1988, the daily rated employees who worked 240 days are entitled to get regularisation of their services. Further, Section 18(a) - Absorption of daily rated employees in Municipalities against the regular vacancies was not followed by the respondents. Hence, this petition has been filed.



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4.The learned counsel appearing for the petitioners would submit that the work entrusted with the petitioners is assessment and collection of house tax which is not a stop gap work, because the house tax is calculated and collected yearly and arrears have been calculated and collected. The petitioners who were engaged as Helpers along with petitioners have been re-engaged either by the 1st respondent or appointed in PWD. He would submit that as per G.O.Ms.No.92 of 1988, the daily rated employees who worked 240 days are entitled to get regularisation of their services.

5.The learned Additional Government Pleader appearing for the respondents would submit that the Notification was issued in the year 2004 calling for application for filling up 13 vacancies for Helper and in the Puducherry Municipality at wages of Rs.60/- per day with prescribed qualification as a passing 8th standard and the selection was made by the Commissioner/1st respondent and 13 persons were selected and appointed and joined service as daily rated Mazdoor on 01.02.2005. Further, the



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petitioners 1 and 2 stated that the property tax assessment and collection of property tax was the work entrusted to them and the petitioners have been terminated in 2008 by oral information by the 1st respondent. Further, the petitioners have not given any reference relating to the notification, office order for having engaged the petitioner as Helper/daily rated Mazdoor in Pondicherry Municipality. If the petitioner produces any reference relating to the engagement as Helper/daily rated Mazdoor in Puducherry Municipality, Puducherry for the assessment and collection of property tax, the request of the above said petitioners could be considered on merits and in accordance with law.

6.Heard the learned counsels on either side and perused the material available on record.

7.On a perusal of the records, it is seen that the petitioners were working as Helper on daily rated basis and also they have been terminated from service orally without any reason. Subsequently, on 01.02.2005, the



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respondents selected and appointed 13 persons as daily rated mazdoors.

The petitioners have not given any reference relating to the notification, office order for having engaged as Helper/Daily rated mazdoor in the Municipality.

Considering the facts and circumstances of the case, without going into the merits of the case, the petitioners are directed to give representations to the Authorities concerned attaching prveiously engaged orders or any other materials engaging as a Helper/Daily rated mazdoors and the same may be considered on merits in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1.The Commissioner,
Pondicherry Municipality,
Puducherry.

2.The Director,
Local Administration Department,
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V.BHAVANI SUBBAROYAN, J.

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