



WEB COPY



W.P.Nos.10951 & 11012 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.10951 & 11012 of 2017

and

W.M.P.Nos.11923, 11924, 11975 & 11976 of 2017

Corporation Labour Union,

Reg.No.2601,

Represented by its President, Beulah John Selvaraj,

39, Water Tank Road,

Poonga Nagar, Chennai – 600 079.

... Petitioner in both WPs

Vs.

1.State of Tamil Nadu,

Rep. by its Secretary,

Municipal and Water Supply Department,

Fort St.George,

Chennai – 600 009.

2.Corporation of Chennai,

Represented by its Commissioner,

Ripon Building, Chennai – 600 003.

... Respondents 1 and 2
in both WPs

3.Zonal Officer, Zone IV,

Greater Chennai Corporation,

Tondiarpet, Chennai – 600 081.

... 3rd respondent in
W.P.No.10951 of 2017

4.Zonal Officer, Zone VIII,

Greater Chennai Corporation,

Shenoy Nagar, Chennai – 600 030.

5.Zonal Officer, Zone XIII,



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Greater Chennai Corporation,
Adyar, Chennai – 600 020.

... Respondents 3 & 4
in W.P.No.11017 of 2017

Prayer in W.P.No.10951 of 2017 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to continue the services of the members of the petitioner Union whose names are listed in the Annexure to the affidavit in Malaria Section of the Health Department in Zone IV of the Chennai Corporation until such time the vacancies are filled up by regular recruitment as per the Recruitment Rules.

Prayer in W.P.No.11017 of 2017 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to continue the services of the members of the petitioner Union whose names are listed in the Annexure to the affidavit in Malaria Section of the Health Department in Zone VIII and Zone XIII of the Chennai Corporation until such time the vacancies are filled up by regular recruitment as per the Recruitment Rules.

For Petitioner : Ms.D.Nagasaila
(in both WPs)

For Respondents : Mr.S.John J. Raja Singh
Additional Government Pleader
[R1 in both WPs]
Mr.S.Gopinathan
[R2 & R3 in W.P.No.10951 of 2017 and
R2 to R4 in W.P.No.11017 of 2017]

COMMON ORDER



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Since the issue raised in both the writ petitions is one and the same, with the consent of the learned counsel appearing on either sides, these writ petitions were heard together and disposed of by this common order.

2. The members of the petitioner Union were working under the (NULM) National Urban Livelihood Mission Scheme in the Malaria Department in Zone IV, Zone VIII and Zone XIII of the Chennai Corporation since 2014. Even after the scheme is over, they were continuously engaged under different scheme by way of Central Government funds. However, in the year 2017, the respondents have not allotted any work to the members of the petitioner Union and intended to hire fresh workers, thereby, they have given representations requesting them to allot work to them. However, there was no response from the respondents till date. The non-allotment of duty to these workers put the workers and their families at great financial crisis. Hence, the above writ petitions are filed before this Court.

3. The learned counsel for the petitioner submits that, the Hon'ble Supreme Court in several decisions held that, one set of contract workers



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cannot be replaced by another set of contract workers and unless the vacancies are being filled in a regular manner, the same set of workers are entitled to continue. Hence, she prays that, this Court, may close these writ petitions by ensuring the employment given to the members of the petitioner Union, till the vacancies are filled up by regular recruitment as per the Recruitment Rules.

4. The learned counsel appearing for the Corporation submitted that, as on date, there is no threat for termination and the members of the petitioner Union are continuing their employment under the relevant schemes.

5. Considering the limited request sought for by the petitioner and also considering the above submissions, this Court, without going into the merits of the case, directs the respondents to engage the members of the petitioner Union so long as the scheme is available and till they are replaced by regularly selected candidates.

6. With the above direction, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.



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

- 1.The Secretary,
Municipal and Water Supply Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai – 600 003.
- 3.The Zonal Officer, Zone IV,
Greater Chennai Corporation,
Tondiarpet, Chennai – 600 081.
- 4.The Zonal Officer, Zone VIII,
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M.DHANDAPANI, J.

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