



W.P.Nos.15834, 18696 and 21788 of 2017 and W.P.No.31776 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.15834, 18696 and 21788 of 2017 and W.P.No.31776 of 2019

Dhanasekaran	... Petitioner in W.P.No.15834 of 2017
P.Murugan	... Petitioner in W.P.No.18696 of 2017
P.senthil Kumar	... Petitioner in W.P.No.21788 of 2017
D.Selvaraj	... Petitioner in W.P.No.31766 of 2019

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

... 1st Respondent
in all W.Ps

2. The Zonal Officer,
Old Zone – I, New Zone – IV,
Greater Chennai Corporation,
Tondairpet,
Chennai – 600 081.

... 2nd Respondent
in W.P.No.15834 of 2017



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3. The Presiding Officer,
Principal Labour Court,
High Court Buildings,
Chennai – 600 104.

... 3rd Respondent in
W.P.Nos.15834, 18696 & 21788 of 2017

4. The Zonal Officer,
Old Zone – III, New Zone – IV,
Greater Chennai Corporation,
Ayanavaram,
Chennai – 600 023.

... 2nd Respondent
in W.P.No.18696 of 2017

4. The Zonal Officer,
Old Zone – I, New Zone – VIII,
Corporation of Chennai,
T.V.Ka Park, Shenoy Nagar,
Chennai – 600 030.

... 2nd Respondent
in W.P.No.21788 of 2017

4. The Zonal Officer,
Zone – VI,
Corporation of Chennai,
Ayanavaram,
Chennai – 600 023.

... 2nd Respondent
in W.P.No.31776 of 2019

COMMON PRAYER in W.P.Nos15834, 18696 and 21788 of 2017:

Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the Labour Court award dated 29.06.2016 in I.D.Nos.168, 185, 186 and 214 of 2013 issued by the third respondent and quash the same and consequently, direct the first respondent to reinstate the petitioners with continuity of service and pay all the backwages to the petitioners.



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PRAYER in W.P.No.31776 of 2019: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the Labour Court award dated 29.06.2016 in I.D.No.168 of 2013 on the file of the Presiding Officer, Principal Labour Court, Chennai and quash the same and consequently, direct the first respondent to reinstate the petitioner with continuity of service and pay all the backwages to the petitioner.

For Petitioners
in all W.Ps : Mrs.N.Beulah John Selvaraj

For Respondents
in all W.Ps : Mr.R.Ramanlal
Additional Advocate General
Assisted by Mr.S.Gopinath

C O M M O N O R D E R

Since the issue raised in all these Writ Petitions is one and the same, with the consent of the learned counsel appearing for both sides, all these Writ Petitions are heard together and are disposed of by this common order.



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2. The learned counsel appearing for the petitioners would submit that the petitioners in all these Writ Petitions raised Industrial Dispute before the Labour Court under Section 2A(2) of the Industrial Disputes Act, 1947 on the ground that the petitioners were continuously employed for 480 days in two calender years. However, the Labour Court dismissed the Industrial Disputes raised by the petitioners. Challenging the same, the petitioners have filed these Writ Petitions with the aforesaid prayer.

3. The learned counsel appearing for the petitioners fairly submit that this Court may permit the petitioners to make fresh representation to the first respondent for regularisation of their services in terms of G.O.(Ms).No.125, Municipal Administration and Water Supply Department dated 27.05.1999 and if the petitioners satisfy the conditions imposed in the said G.O.(Ms).No.125 dated 27.05.1999, regularisation may be granted.

4. The learned Additional Advocate General appearing for the respondents would submit that if any such representation is filed by the petitioners, the same will be considered on merits.



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5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the stand taken by the learned counsel on either side, the award impugned in these Writ Petitions deserve to be sustained, as the power of regularisation of a workman is only vested with the Government. In such view of the matter, these Writ Petitions are dismissed with liberty to the petitioners to file a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the first respondent is directed to consider the representation of the petitioners for grant of benefit of regularisation in terms with G.O.(Ms).No.125, Municipal Administration and Water Supply Department dated 27.05.1999, if they are otherwise entitled to and pass orders thereon, on merits and in accordance with law within a period of four weeks thereafter.



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7. With the above observations and directions, these Writ Petitions

are dismissed. No costs.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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