



W.P.No.350 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.350 of 2020

S.Chinnaraj

...Petitioner

Vs.

1.The Principal Secretary to Government,
Municipal Administration & Water Supplies Department,
Fort St.George,
Secretariat,
Chennai-600 035.

2.The Commissioner of Municipal Administration,
Ezhilagam Annex, 6th Floor,
Chepauk, Chennai-600 005.

3.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.

4.The Director of Town Panchayat,
Kuralagam,
Chennai-600 108.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records made in the impugned order of the 3rd respondent in proceedings No.Na.Ka.No.10343/2016/c1(ki) dated 25.06.2018 quash the same and



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consequently direct the respondents to pay the minimum of he pay-scale, revised from time time, with the permissible allowances, as were being paid to similarly placed regular employees.

For Petitioner : Ms.Sudha Ramalingam

For Respondents 1,2 & 4 : Mr.D.Gopal,
Government Advocate

For Respondent 3 : Mr.Najee Busman Khan

ORDER

This Writ petition has been filed seeking to call for the records made in the impugned order of the 3rd respondent in proceedings No.Na.Ka.No.10343/2016/c1(ki) dated 25.06.2018 quash the same and consequently direct the respondents to pay the minimum of he pay-scale, revised from time time, with the permissible allowances, as were being paid to similarly placed regular employees.

2. The case of the petitioner is that the petitioner was appointed as tractor driver by the Kalappatti Panchayat on 14.10.1997 on a daily wages basis. In the light of continuous service for over 10 years, the Executive Officer of the Kalappatti Town Panchayat sent a communication dated



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10.01.2009 to the Director of Town Panchayat and sent a letter dated

11.09.2009 to the third respondent to regularize the petitioner's service.

This being so, an advertisement was issued by the Corporation on 24.04.2015 to fill up the vacancies for the post of 6 drivers. Therefore, the petitioner has sent a representation dated 29.04.2015 requesting the respondents to consider him and regularize him in the service as driver. But the same was not considered. Hence, he filed a writ petition in W.P.No.15794 of 2015 and this Court by its order dated 15.09.2015 disposed of the writ with a direction to consider the petitioner's representation, however, the same was not complied.

2.2. Thus, the petitioner has filed a contempt petition. Pending the said contempt, the third respondent issued a proceeding in Na.Ka.No.10343/2016/c1(ki) dated 25.06.2018, rejected the petitioner's claim for regularization of service as a driver stating that the Panchayat has been absorbed by the Coimbatore Corporation and that according to the rules of the Coimbatore Corporation, employees should possess a minimum qualification of 10th standard. Pursuant the proceedings of the third respondent, the contempt petition was closed by this Court on 15.07.2018



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with a liberty to challenge the proceeding. Hence, challenging the said proceeding, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that the erstwhile Kalappatti Panchayat Union has already passed a resolution in No.418 dated 18.03.2013, recommending the Government to regularize the service of the petitioner as well as other employees. The third respondent vide proceeding in Na.Ka.No.5734/2011/Mc2 dated 27.11.2019 along with the aforesaid resolution dated 18.03.2013 sent a proposal to the second respondent regarding the permanent absorption of the petitioner along with others. In this regard, the third respondent has sent several letters dated 23.10.2013, 11.05.2015, 04.08.2015 and 23.09.2016. However, the second respondent has not passed any order.

4. Learned counsel for the petitioner further submitted that one sanitary worker viz., K.M.Duraisamy was regularized by the respondents in the light of G.O.Ms.No.396, Municipal Administration and Water Supply Department dated 11.07.2023. Hence, she prayed this Court that the petitioner may also be regularized, since he is also a similarly placed person.



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5. Learned Government Advocate appearing for respondents 1, 2 and 4 submitted that if the proposal of the third respondent is still pending before the second respondent, the same will be considered on merits and in accordance with law.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case on hand, the erstwhile Kalappatti Panchayat has passed a resolution No.418 dated 18.03.2013, recommending the absorption of the petitioner along with other employees, which is sent to the second respondent along with a proposal in Na.Ka.No.5734/2011/Mc2 dated 27.11.2019 by the third respondent. Since the proposal being made, the second respondent has not passed any order and the same is still pending.

8. In view of the above facts and circumstances, this Court directs the second respondent/Commissioner of Municipal Administration to dispose of the proposal sent by the third respondent in Na.Ka.No.5734/2011/Mc2 dated 27.11.2019 on merits merits and in accordance with law, within a



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period of six weeks from the date of receipt of a copy of this order.

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9. This writ petition is disposed of with the above observation and direction. No costs.

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To:

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