



W.A.(MD) No.540 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.540 of 2023
and
C.M.P.(MD) No.5454 of 2023**

The Commissioner
Kayalpattinam Municipality
Kayalpattinam, Tuticorin District

... Appellant

-VS-

- 1.K.Senthilkumar
- 2.The Secretary to Government
Municipal Administration &
Water Supply Department
Fort St.George, Chennai-9
- 3.The Managing Director-cum-
Commissioner of Municipal Administration
Ezhilagam, Chepauk, Chennai-5
- 4.The Regional Director
Municipal Administration Department
Tiruvananthapuram Road
Palayamkottai, Tirunelveli-2
- 5.S.Hemanth Prabhu

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 12.04.2022, passed in W.P.(MD) No.58 of 2016, on the file of this Court.

For Appellant : Mr.J.Ashok

For Respondents : Mr.V.Karthikeyan for R1
Mr.V.Nirmal Kumar
Government Advocate for R2 to R4

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

This is an unnecessary writ appeal. The appellant has, in his proceedings bearing Na.Ka.No.110/2012/A1, dated 24.01.2013, acknowledged the fact that the first respondent / writ petitioner had worked in Tiruchendur Panchayat Union between 08.08.1996 to 31.03.2005 and has been working from 01.04.2005 till 24.01.2013 in appellant – Municipality, on the basis of the resolutions of the Municipality passed once in three months. Taking into consideration such a long uninterrupted service and the fact that the first respondent has worked without pay, the Writ Court had directed regularization of his service. It is also on record that the services of the other



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similarly placed persons have been regularized in the other Municipalities.

Having recommended the case of the first respondent for absorption, the very same Commissioner has now chosen to file this appeal against the directions issued by the Writ Court. We are unable to appreciate the conduct of the appellant – Municipality. Hence, this writ appeal fails and it is accordingly dismissed.

2. There will be a direction the appellant – Municipality to calculate the salary of the first respondent from September, 2022 till date and pay the same to him, within a period of six weeks from the date of receipt of a copy of this order. The order of the Writ Court regarding maintenance of *status quo* till regularization of the first respondent's service shall be complied with in its letter and spirit. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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