



W.P.(MD).Nos.16361 to 16363 of 2015

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.16361 to 16363 of 2015

and

M.P.(MD).Nos.1, 1 and 1 of 2015

W.P.(MD).No.16361 of 2015:

U.Karuppaiah

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Municipal Administration and Water Supply,
Secretariat,
Chennai.

2.The Commissioner of Municipal Administration
and Water Supply,
O/o. Commissioner of Municipal Administration
and Water Supply,
Chepauk,
Chennai – 5.

3.The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondents



W.P.(MD).Nos.16361 to 16363 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.C1-5415-05 dated 11.09.2006 on the file of the third respondent and quash the same as illegal to the extent it provides for regularization since 11.09.2006 and consequently direct the respondents to regularize the petitioner's service from the date their joining in service as Sweepers on 10.03.1982 and fix the time scale of pay from that period with consequential benefits from 11.10.1984 to 11.09.2006 within the time stipulated by this Court.

W.P.(MD).No.16362 of 2015:

A.Kalimuthu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Municipal Administration and Water Supply,
Secretariat,
Chennai.
- 2.The Commissioner of Municipal Administration
and Water Supply,
O/o. Commissioner of Municipal Administration
and Water Supply,
Chepauk,
Chennai – 5.



W.P.(MD).Nos.16361 to 16363 of 2015

3.The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.C1-5415-05 dated 11.09.2006 on the file of the third respondent and quash the same as illegal to the extent it provides for regularization since 11.09.2006 and consequently direct the respondents to regularize the petitioner's service from the date their joining in service as Sweepers on 10.03.1982 and fix the time scale of pay from that period with consequential benefits from 11.10.1984 to 11.09.2006 within the time stipulated by this Court.

W.P.(MD).No.16363 of 2015:

R.Ganesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Municipal Administration and Water Supply,
Secretariat,
Chennai.



W.P.(MD).Nos.16361 to 16363 of 2015

2.The Commissioner of Municipal Administration
and Water Supply,
O/o. Commissioner of Municipal Administration
and Water Supply,
Chepauk,
Chennai – 5.

3.The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.C1-5415-05 dated 11.09.2006 on the file of the third respondent and quash the same as illegal to the extent it provides for regularization since 11.09.2006 and consequently direct the respondents to regularize the petitioner's service from the date their joining in service as Sweepers on 10.03.1982 and fix the time scale of pay from that period with consequential benefits from 11.10.1984 to 11.09.2006 within the time stipulated by this Court.

(In all Writ Petitions):

For Petitioners : Mr.G.Karthik,
For Mr.S.Rajasekar.

For R-1 and R-2 : Mr.R.Suresh Kumar,
Additional Government Pleader.

For R-3 : Mr.A.Kathiravan



W.P.(MD).Nos.16361 to 16363 of 2015

COMMON ORDER

WEB COPY

The Writ Petitions have been filed challenging the impugned order dated 11.09.2006 to the extent it provides for regularization since 11.09.2006 with a consequential prayer to direct the respondents to regularize the petitioner's service from 10.03.1982 and grant all monetary benefits.

2. The petitioners had served as daily wage worker as a Sweeper from 11.10.1984 onwards. The employees who were working in the Municipality under daily wage worker repeatedly prayed the Government to grant regularization. Thereafter, the Government issued G.O.Ms.No.125 dated 27.05.1999 directing all the Municipalities to prepare a list of daily wage employees and submit the list to the Government, so that the Government shall pass guidelines to regularize their service. In the said list, the petitioners name were not found. In the meanwhile, the Government has issued G.O.Ms.No.212 banning all fresh recruitments including regularization. The ban was lifted through G.O.Ms.No.14. After lifting of ban, for regularization of service, the candidates who were working in the Municipalities were granted regularization. Based on G.O.Ms.No.21 dated 23.02.2006, the petitioners were granted regularization and then time scale of pay through impugned proceedings dated



W.P.(MD).Nos.16361 to 16363 of 2015

11.09.2006. The respondents have not granted any consolidated pay in between the daily wage and the time scale of pay. On perusal of the G.O.Ms.No.21 it is seen that the said G.O. states that the petitioners are eligible for regularization from the date of issuance of Government Order. Hence, the said G.O. declines to grant regularization from the date of original appointment and the petitioners are not entitled to regularization from the date of original appointment. In other words since G.O.Ms.No.21 clearly states the said candidates are eligible for regularization from the date of issuance of Government Order, therefore, the petitioners are not entitled to regularize from the date of their original appointment.

3. Hence, the Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.02.2023

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



W.P.(MD).Nos.16361 to 16363 of 2015

To

WEB COPY

- 1.The Secretary,
The State of Tamil Nadu,
Department of Municipal Administration and Water Supply,
Secretariat,
Chennai.
- 2.The Commissioner of Municipal Administration
and Water Supply,
O/o. Commissioner of Municipal Administration
and Water Supply,
Chepauk,
Chennai – 5.
- 3.The Commissioner,
Sivagangai Municipality,
Sivagangai.



WEB COPY



W.P.(MD).Nos.16361 to 16363 of 2015

S.SRIMATHY, J.

Nsr

W.P.(MD).Nos.16361 to 16363 of 2015

28.02.2023