



W.P.(MD).No.21564 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21564 of 2023

and

W.M.P(MD) No.17966 of 2023

P.Dharmaraj

Vs.

...Petitioner

1. The Director of Town Panchayat,
Kuralagam,
Chennai – 600 009.
2. The Assistant Director of Town Panchayat,
Nagercoil,
Kanyakumari District.
3. The Executive Officer,
Manavalakurichi Selection Grade Panchayat,
Kalkulam Taluk,
Kanyakumari District.
4. The Executive Officer,
Palappallam Panchayat,
Palappallam Taluk,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus calling for the



W.P.(MD).No.21564 of 2023

records of the third respondent in his proceedings in Na.Ka.No.358/2022/A1, dated 19.06.2023 and quash the same as null and void and consequently direct the respondents to regularize the petitioner's service as Pump Fitter with effect from the date of appointment as daily wager i.e., 26.10.1989 to the date of shifting the petitioner's service to consolidated mode of pay i.e., 01.08.2001 either applying G.O.(Ms).No.84, Municipal Administration and Water Supply Department, dated 21.05.1998 or applying G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 with all service and monetary benefits within a time stipulated by this Court.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr. S.Shaji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed by the petitioner, who was working as a Pump Fitter in the third respondent Town Panchayat.

2. The petitioner was appointed on daily wages with effect from 26.10.1989. Thereafter, he was brought into Consolidated Pay with effect from 01.08.2001. The petitioner's services were brought into time scale of pay



W.P.(MD).No.21564 of 2023

on 23.06.2006. By way of an order dated 23.11.2015, the Executive Officer of the Town Panchayat has passed the order regularising service of the writ petitioner with effect from 20.08.2004. These facts are not in dispute.

3. According to the writ petitioner, his services should have been regularized with effect from 26.10.1999 onwards.

4. The learned counsel appearing for the writ petitioner relies upon G.O.(Ms).No.84, Municipal Administration and Water Supply Department, dated 21.05.1998, to contend that on completion of services of five years as on 31.12.1996, his services should have been regularised. However, a perusal of the said G.O.Ms.No.84, Municipal Administration and Water Supply Department, dated 21.05.1998 indicates only about bringing the daily wages employees into the Consolidated Pay and after completion of one year period in Consolidated Pay to bring them under the time scale. There is no reference about regularisation of the daily wage sanitary workers.

5. A perusal of the Service Register of the writ petitioner indicates that the services of the writ petitioner were regularised based upon the G.O.



W.P.(MD).No.21564 of 2023

(Ms).No.142, Municipal Administration and Water Supply (TP-1) Department, dated 23.09.2015. A perusal of the said Government Order reveals that the employees who have completed three years of service on Consolidated Pay, shall be regularised.

6. Admittedly, in the present case, the petitioner was brought under consolidated pay on 01.08.2001 and services have been regularised with effect from 20.08.2004. It is strictly in consonance with G.O.(Ms).No.142, Municipal Administration and Water Supply (TP-1) Department, dated 23.09.2015.

7. The petitioner has not chosen to challenge the order of his regularisation, dated 23.11.2015 or entry made in his Service Register granting regularization with effect from 20.08.2004. That apart, when the regularization of the writ petitioner is strictly in consonance with G.O. (Ms).No.142, Municipal Administration and Water Supply (TP-1) Department, dated 23.09.2015, there are no grounds to interfere in the order rejecting retrospective regularisation.



W.P.(MD).No.21564 of 2023

WEB COPY

8. This Court does not find any reason to interfere in the order impugned in the writ petition and there are no merit in this writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

12.10.2023

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

To

1. The Director of Town Panchayat,
Kuralagam,
Chennai – 600 009.
2. The Assistant Director of Town Panchayat,
Nagercoil,
Kanyakumari District.
3. The Executive Officer,
Manavalakurichi Selection Grade Panchayat,
Kalkulam Taluk,
Kanyakumari District.
4. The Executive Officer,
Palappallam Panchayat,
Palappallam Taluk,
Kanyakumari District.



WEB COPY



W.P.(MD).No.21564 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.21564 of 2023

12.10.2023