



W.P.No.21240 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.03.2024

PRONOUNCED ON : 29.04.2024

CORAM

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.21240 of 2011

S.Shanmugam

...

Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk, Chennai – 5.

2.The Commissioner,
Mettupalayam Municipality,
Mettupalayam.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued in Na.Ka.No.351/2008-C1, dated 08.11.2010, passed by the second respondent and consequently, direct the respondents to regularize the petitioner's services from the date of the petitioner's first appointment i.e., 1984.

For Petitioner : Mr.S.Ilamvaludhi

For R1 : Mr.D.Gopal
Government Advocate

For R2 : Mr.M.Shahjahan



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ORDER

WEB COPY This Writ Petition has been filed to call for the records connected with the proceedings issued in Na.Ka.No.351/2008-C1, dated 08.11.2010, passed by the second respondent and consequently, direct the respondents to regularize the petitioner's services from the date of the petitioner's first appointment i.e., 1984.

2.The case of the petitioner is that he joined in service as NMR in 1984 and continued in the post till 2000. By a proceedings of the Commissioner, Mettupalayam Municipality, in Na.Ka.No.18857/98/E3, he was brought into consolidated scale of Rs.1700/-. As per G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, those who have completed ten years of service on 01.10.1996 would be brought into consolidated scale for one year, later, they would be brought into regular time scale. Petitioner was in employment from 1984 onwards and he was brought into consolidated scale from 22.02.2000 and he should have been brought into regular time scale on 21.01.2001. However, the Commissioner, Mettupalayam Municipality issued proceedings on 20.04.2006 in Na.Ka.No.153/206/C1 regularizing his service from 23.02.2006. The



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Commissioner, Mettupalayam Municipality by his proceedings in Na.Ka.No.351-2008-C1, on 08.11.2010, appointed the petitioner as a Turn Cock on 23.02.2006. Petitioner is entitled to be regularized from the date of his first appointment in the consolidated scale on 22.02.2000. Even otherwise, his service should be regularized from 1984 onwards. In the said circumstances, this petition is filed for the reliefs aforestated.

3.It is the submission of the learned counsel for the petitioner that non regularization of the petitioner resulted in huge monetary loss and promotional opportunities. Thus, he prayed for the reliefs aforestated.

4.In response, the learned Government Advocate submitted that by G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, the daily wage employees working under the Municipality were ordered to be regularized into service on a consolidated pay of Rs.2,000/- per month. They would be regularized in this pay for one year. After one year, they would be brought into time scale of pay. It was made clear that the service rendered by them prior to the regularization would not be considered for any service benefits. By a proceedings of the



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Commissioner, Mettupalayam Municipality, in Na.Ka.No.153/206/C1,

petitioner's service was regularized in time scale of pay from 23.02.2006 as a Turn Cock. Therefore, petitioner cannot claim that his service should be regularized from the date of his initial appointment in 1984 or from 2000 when he was brought into consolidated scale.

5.Considered the rival submissions and perused the records.

6.Service details with regard to the date of entry into service, regularization into consolidated scale of pay and regularization of his employment as a Turn Cock are not disputed. Reading of the G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, shows that the service of those who are working under the Town Panchayat, Panchayat and Corporation on or before the specified date is to be regularized on a consolidated pay of Rs.2,000/-. They will get this consolidated pay for one year and thereafter, they will be brought into time scale of pay. It was specifically made clear that the period of service before the date of regularization would not be considered for any service benefits. As per this G.O., petitioner's service was regularized as a Turn Cock on a



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monthly salary of Rs.1,700/- by the proceedings of the Commissioner, Mettupalayam Municipality, in Na.Ka.No.18857/98/E3, dated 18.02.2000.

Individual proceedings was issued to the petitioner in Na.Ka.No.18857/98/E1, dated 22.02.2000. Then the Government issued G.O.Ms.No.21, Municipal Administration and Water Supply (MC 3) Department, for regularizing the service of the workers on consolidated pay and NMRs on daily wages working in various Municipalities and other Municipal Corporation (except Chennai and Grade III Municipalities).

7. Based on this G.O., the Commissioner, Mettupalayam Municipality, in Na.Ka.No.1532/2006/C1, dated 17.03.2006, regularized the petitioner's service as a Turn Cock in time scale of pay with effect from 23.02.2006. His probation was declared by the proceedings in Na.Ka.No.351-2008-C1, dated 08.11.2010. A combined reading of the G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, G.O.Ms.No.21 Municipal Administration and Water Supply (MC 3) Department and the proceedings of the second respondent clearly shows that the petitioner's service prior to the regularization cannot be considered for any service benefits. That was the reason why his service was regularized only



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from 23.02.2006. This Court finds that there is no illegality in the order passed by the second respondent. This Writ Petition has no merits and is liable to be dismissed.

8. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition, if any, is also closed. No costs.

sli

29.04.2024

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

To:

1. Tamil Nadu Civil Supplies Corporation,
represented by its Managing Director,
12, Thambusamy Road,
Kilpauk, Chennai 600 010.

2. Tamil Nadu Civil Supplies Corporation,
represented by its Regional Manager,
Dindigul.



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G.CHANDRASEKHARAN, J.

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Pre-delivery Order in
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