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W.P.Nos.5624 & 5629 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.5624 & 5629 of 2021

D.Ramamoorthy
B.Easwaraiah

... Petitioner in W.P.No.5624/2021
... Petitioner in W.P.No.5629/2021

/vs/

1. The Principal Secretary to the Government,
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai – 600 009.

2. The Commissioner,
Greater Chennai City Corporation,
Rippon Building,
Chennai – 600 003.

3. The Zonal Officer,
Greater Chennai Corporation,
Zone XIV, Puzhuthivakkam,
Chennai – 600 091.

4. Superintending Engineer,
Electrical Depart,
Greater Chennai City Corporation,
Chennai – 600 003.

... Respondents in both W.P's.



W.P.Nos.5624 & 5629 of 2021

Writ Petitions are filed under Article 226 of the Constitution of India

to issue a writ of mandamus to call for the records relating the impugned order passed by the 2nd respondent in his proceedings Z.O.XIV.C.No.A 1/000002 / 2020 dated 09/01/2020 and the order passed by the 4th respondent herein in his proceedings Mi.Thu.Ka.No.A3 /90 /2021 dated 02/02/2021 and quash the same and consequently direct the 1st respondent herein to regularize the services of the petitioners as Electrician on completion of 3 years of service from date of the petitioner's original appointment i.e. with effect from 22/07/1995 in the light the orders passed by the 1st respondent herein in G.O.(2D) No.64 Municipal Administration and water Supplies (MC-3) Department dated 18/11/2019 and G.O.(2D) No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019, with all consequential service and monetary benefits, within a time frame.

For Petitioner ... Mr.G.Bala and Daisy
(in both W.P's.)

For Respondents ... Mrs.K.Aswini Devi
(in both W.P's.) Senior Counsel for R2 to R4

Mr.S.Arumugam
Government Advocate for R1



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COMMON ORDER

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2. Similarly placed persons have already filed a batch of Writ Petitions in W.P.Nos.5451/2020 seeking similar relief and in which the following order has been passed on 27.11.2023:

“ The petitioners who claim to be the persons entitled to get the benefit of the Government Order dated 08.08.2019 in G.O.(2D) No.64 Municipal Administration and Water Supplies (MC 3) Department, have filed these writ petitions stating that their services should also be regularized on par with the other employees whose services have been



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regularized pursuant to the said Government Order.

2. It is submitted that in respect of the above Government Order, the plight of a total number of 908 daily wage workers was dealt and out of which 257 daily wagers are ordered to be absorbed in Chennai Metropolitan Water Supply and Sewage Board (CMWSSB) and they were regularized. Even some of the persons who originally worked in the local bodies have been absorbed by the Corporation in the year 2011 and their services were also regularized subsequent to the orders passed by this Court in W.P.No.17858 of 2014 dated 01.09.2015. Pursuant to the orders of this Court, a Government Order has also been issued in G.O. (Ms) No.103 Municipal Administration and Water Supply (MW1) Department dated 08.08.2019, for regularizing their services.

3. Since these petitioners are also similarly placed and their services have not been regularized so far, they have filed these writ petitions seeking for issuance of a Writ of Mandamus for according them the benefit of regularization on par with the other workers.

4. Since the petitioners have made out a case in view of the above mentioned Government Order and the earlier orders passed by this Court, the respondents shall consider the representation of the petitioners and pass orders in the light of the Government Order passed in G.O.(2D) No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08.08.2019 and also in the light of the earlier order rendered in W.P.No.17858 of 2014 dated 01.09.2015, for regularizing the service of the petitioners.



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5. In the result, the Writ Petitions in W.P.Nos.5451 of 2020, 7274 of 2020 and 19 of 2021 are disposed and W.P.Nos.4924 and 17037 of 2021 are allowed and the impugned orders in Letter No.1959/MC-3(2)/2020 dated 19.03.2020 and Letter No.18176/MC-3/2014-8 dated 04.03.2021 are set aside and the respondents are directed to consider the representation of the petitioners and pass orders in the light of the Government Order passed in G.O.(2D) No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08.08.2019 and also in the light of the earlier order rendered in W.P.No.17858 of 2014 dated 01.09.2015, for regularizing the service of the petitioners, within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs."

3. Similar such order has also been passed by a single Judge of this Court in the Writ Petition in W.P.No.13455/2013 and the same was confirmed by the Division Bench of this Court in W.A.No.1615/2018.

4. The attention of this Court was also drawn to a batch of writ petitions filed by similarly placed persons in W.P.Nos.688/2015 & batch and in which an order has been passed on 01.09.2015 by granting the relief sought by the petitioners.



5. However the learned counsel for the petitioners submitted that a Review Application has been filed by the Corporation in Rev.Appl.SR.No.74230/2019 to review the order in W.P.No.17858/2013 which is also a part of a batch of writ petitions in W.P.Nos.688/2015 and on that ground the petitioner's request was rejected on 09.01.2020 (impugned order). But, so far no Review Application has been taken on file and pending.

6. Since the position has already been settled by judicial pronouncement, the relief sought by the petitioners has to be granted.

7. Accordingly, these Writ Petitions are allowed and the impugned order passed by the 2nd respondent in his proceedings Z.O.XIV.C.No.A 1/000002 / 2020 dated 09/01/2020 and the order passed by the 4th respondent in his proceedings Mi.Thu.Ka.No.A3 /90 /2021 dated 02/02/2021 and hereby quashed and the first respondent is directed to regularize the services of the petitioners as 'Electrician' on completion of 3 years of service from date of their original appointment, in the light of the



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orders passed by the 1st respondent herein in G.O.(2D) No.64 Municipal Administration and water Supplies (MC-3) Department dated 18/11/2019 and G.O.(2D) No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019, with all consequential service and monetary benefits, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

15.02.2024

Index: Yes / No
Speaking order / Non-speaking order
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To:

The Principal Secretary to the Government,
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai – 600 009.



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R.N.MANJULA ,J.

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