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W.P.No.14659 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14659 of 2022

1. V.Perumal
2. R.Marimuthu
3. P.Parvathy
4. V.Rajendran
5. P.Muthusamy

....

Petitioners

Vs

1. The Secretary to Municipal Administration
and Water Supply Department,
Fort St George, Chennai – 600 009.

2. The Commissioner for Municipal Administration,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 28.

3. The Commissioner,
Erode Corporation,
Erode District.

4. The Director of Town Panchayats,
7th and 8th Floor, Urban Administrative Building,
No.78, Santhome High Road,
Chennai – 600 028.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for



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the issuance of Writ of Mandamus, directing the respondents particularly the 2nd and 3rd respondents to bring the petitioners under regular time scale from the date (12.01.2001 and 09.04.2002 respectively) on which they completed three years consolidated pay service along with service and monetary benefits.

For Petitioner : Mr.P.I.Thirumoorthy
For R1 & R2 : Mr.K.H.Ravikumar
Government Advocate
For R3 : Mr.P.Srinivas

ORDER

This Writ Petition has been filed for a direction directing the second and third respondents to bring the petitioners under regular time scale from 12.01.2001 and 09.04.2002 respectively, on which they completed three years consolidated pay service.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. During the year 1997 & 1998, in order to bring the daily wages employees of Municipalities, Corporations and Town Panchayats under regular time scale, the first respondent issued two orders, viz., G.O.Ms.No.101 MAWSS Department, dated 30.04.1997 and



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G.O.Ms.No.101 MAWSS Department, dated 30.04.1997, thereby the daily wage Sweepers of Municipalities and Corporations were brought under regular time scale. Another G.O.Ms.No.199, Municipal Administration and Water Supply Department, dated 12.08.1997 and G.O.Ms.No.84, Municipal Administration and Water Supply Department, dated 21.05.1998 were issued to bring the daily wages Sweepers of Town Panchayats under regular time scale. Accordingly, several wage Sweepers of Municipalities and Town Panchayats were brought under regular time scale.

4. Thereafter, the Government imposed a general ban for fresh recruitment on 29.11.2001 citing financial crunch. Therefore, regularisation in terms of the above Government orders was kept in abeyance. After lifting the ban, the first respondent issued G.O.Ms.No.21 MAWSS Department, dated 23.02.2006, thereby allowing the Municipalities and Corporations to process of regularisation in respect of municipal and corporation employees. It restricted the date of regularisation only with effect from 23.02.2006. Thereafter, the first respondent issued G.O.Ms.60 MAWSS Department, dated 23.03.2006,



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allowing proceeding the regularisation in respect of employees of Town Panchayats without prescribing any date for regularisation.

5. However, the respondents 2 and 4 directed the authorities to implement the process of regularisation only from the prospective date from 23.06.2006. Therefore, the Municipal Employees and Town Panchayat Employees approached this Court. This Court directed to consider them for regular time scale on completion of their three years consolidated pay service. Aggrieved by the same, they filed Writ Appeals before this Court and the same was dismissed. Aggrieved by the dismissal orders of Division Bench of this Court, they preferred Special Leave Petitions before the Hon'ble Supreme Court of India, which were also dismissed and the the order passed by this Court was confirmed.

6. In respect of Municipalities and Corporations, the Hon'ble Division Bench of this Court had taken a conflict stand and by the issue is referred to a Full Bench of this Court. The Full Bench of this Court held that sweepers/employees appointed in Municipalities and Corporations are entitled for prospective regular time scale with effect



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from 23.02.2006. Thereafter, a review has been filed and the same was also allowed by this Court. Aggrieved by the same, an appeal was filed before the Hon'ble Supreme Court of India and it is pending.

7. The petitioners also approached this Court in W.P.No.6646 of 2013 and this Court, by an order dated 25.06.2013, directed the respondents to regularise the services of the petitioners on completion of three years i.e., from the date when they appointed on consolidated pay into regular time scale of pay within a period of three months.

8. A perusal of the counter filed by the third respondent reveals that aggrieved by an order passed by this Court in W.P.No.6646 of 2013, they filed writ appeals and it is pending with W.A.SR.No.94946 of 2014. Further, as against the direction issued by the Hon'ble Division Bench of this Court, a civil appeal is pending before the Hon'ble Supreme Court of India in SLP (C) No.19874 of 2017.

9. The learned counsel appearing for the petitioner would submit that insofar as the regularisation of employees under the



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Municipalities and Corporations is concerned, appeal is pending and insofar as the persons, who were working under Town Panchayats are concerned, no appeal is pending. Further, already this Court directed to consider the regularisation after completion of three years of consolidated pay.

10. In view of the above, the second and third respondents are directed to consider the case of the petitioners, as directed by this Court in W.P.No.6646 of 2013, subject to the result of SLP and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the above direction, this Writ petition stands disposed of. No costs.

18.01.2024

Internet : Yes
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

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