



W.P.No.38640 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2024

CORAM

THE HON'BLE MRS. JUSTICE **R.KALAIMATHI**

W.P.No.38640 of 2016

P.Banu

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep.by the Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-600 009.

2.The Director of Town Panchayat,
Kuralagam Buildings,
Kuralagam, Chennai-600 108.

3.The Executive Officer,
Jalakandapuram Town Panchayat (Municipality),
Salem District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularise petitioner's service from the year 1999, date of completion of petitioner's 3 years service and to pay a consolidated pay with all attendant and consequential benefits with arrears.



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For Petitioner : Mrs.T.K.S.Bharathy Anandraj

For Respondents : Mr.R.Neelakandan,
(1 & 2) Addl.Advocate General
Assisted by Mrs.C.Sangamithirai
Special Government Pleader

For 3rd Respondent : Mr.R.Govindasamy
Special Government Pleader

ORDER

The petitioner who has been working as Sweeper-cum-Sanitary worker in Jalagandapuram Town Panchayat, Salem District, has filed this writ petition to order the respondents to regularise her services from the year 1999 and to pay all the consequential benefits.

2. The petitioner submits that she joined as Sweeper-cum-Sanitary worker in Jalagandapuram Town Panchayat, Salem District in the year 1999. She has been regularly working under the 3rd respondent and her service is yet to be regularised even after several oral representations. After 2012, all Sweepers, Sanitary Workers are made to join in Manoranjitham Magalir Manram and monthly payment was paid by the 3rd respondent totally by way of demand draft.

3. Heard the learned counsel for the petitioner and the learned



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Additional Advocate General, assisted by the learned Special Govt.Pleader appearing for the respondents 1 and 2 and the learned Special Govt.Pleader appearing for the 3rd respondent.

4. Based on the judgment of the Hon'ble Division Bench of this Court in W.A.No.1454 of 2007, dated 19.12.2008, in the case of Director of Town Panchayat, Kuralagam, Chennai and two others v. R.Sundaradas, the learned Single Judge of this Court allowed the writ petitions and held that the writ petitioners are entitled to time scale of pay only from the date when they completed 3 years of consolidated pay and not from any subsequent date.

5. I have perused the judgment dated 19.12.2008, rendered by the Hon'ble Division Bench of this Court in the writ appeal mentioned supra.

6. The copy of the Nominal Muster Roll pertaining to June 2002 filed is not authenticated one. The Certificate issued by the Executive Officer of Jalakandapuram Town Panchayat dated 21.11.2011 reads that she was engaged as a Sweeper on consolidated pay basis. Even the copy of resolution of Manoranjitham Magalir Manram for the month of December



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2010 is filed, wherein, the petitioner was paid Rs.1,500/- p.m., on consolidated pay basis.

7. From available records it is deducible that as on 01.11.2010, the petitioner has been working on consolidated pay basis and therefore, as per G.O.Ms.No.199 dated 12.08.1997, the service of the consolidated pay Sweepers has to be brought under regular time scale of pay from the date on which she completed 3 years of service. The petitioner has stated that she made oral representations in this regard. Her date of joining in service is taken as 01.11.2010.

8. As mentioned supra, the learned Single Judge allowed the writ petition filed by the employee and the same was confirmed by the Hon'ble Division Bench of this Court in W.A.No.1454 of 2007 dated 19.12.2008, in the case of Director of Town Panchayat, Kuralagam, Chennai and two others v. R.Sundaradas. In my considered view, as held by the learned Single Judge and as confirmed by the Hon'ble Division Bench of this Court, I have no reason to differ with the view taken by the learned Single Judge. The petitioner is entitled to be brought under the time scale of pay on the date on which she completed three years of service on consolidated



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pay as per G.O.Ms.No.199 Municipal Administration and Water Supply (TP.2), Department, dated 12.08.1997 and G.O.Ms.No.84 Municipal Administration and Water Supply Department, dated 21.05.1998. Three years period gets completed on 01.11.2013. From 02.11.2013, she has to be brought under regular time scale of pay.

9. Based on the aforesaid discussions, this writ petition stands allowed with a direction to regularise her services from 02.11.2013 with all consequential service and monetary benefits. The said exercise shall be completed within a period of eight(8) weeks from the date of receipt of copy of this order. No costs.

03.06.2024

ssn

Index: Yes / No

Speaking Order / Non Speaking order



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R.KALAIMATHI, J.,

ssn

To

- 1.The Secretary,
Government of Tamil Nadu
Municipal Administration and
Water Supply Department,
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Chennai-600 009.
- 2.The Director of Town Panchayat,
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