



WEB COPY



W.P.No.16591 & 16605 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.16591 & 16605 of 2021 and
W.M.P.Nos.17578 & 17592 of 2021

1.G.Vadivel

... Petitioner in W.P.No.16591 of 2021

2.S.Krishnamoorthy
2021

... Petitioner in W.P.No.16605 of

Vs.

1.Government of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai 600 009.

2.The Director,
Commissioner of Municipal Administration,
Raja Annamalaipuram, Chennai.

3.The Commissioner,
Villupuram Municipality,
Villupuram.

... Respondents in both W.Ps

PRAYER in both W.Ps: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the claim of the petitioners for regularisation of service as Overhead Tank Operator / Electric Motor Operator on completion of three years from the date of their original appointment with all attendant benefits and pass appropriate orders and confer all other service benefits based on the recommendation of the third respondent in proceedings



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No.Na.Ka.No.9333/2011/C1 dated 15.03.2012.

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For Petitioner in
W.P.No.16591 of 2021 : Mr.P.Nethaji
For Petitioner in
W.P.No.16605 of 2021 : Mr.V.Jayaprakash Narayanan
For Respondents
in both W.Ps : Mr.M.Rajendran, AGP for R1 & R2
Mr.P.Dinesh for R3

COMMON ORDER

These writ petitions have been filed by the petitioners seeking a writ of mandamus to direct the respondents to consider the claim of the petitioners for regularisation of service as Overhead Tank Operator / Electric Motor Operator on completion of three years from the date of their original appointment with all attendant benefits and pass appropriate orders and confer all other service benefits based on the recommendation of the third respondent in proceedings No.Na.Ka.No.9333/2011/C1 dated 15.03.2012.

2. The petitioners are working as Over Head Tank Operators in the third respondent Town Panchayat for nearly 25 years and the Town Panchayat has passed a resolution to bring the petitioners under the regular time scale of pay. The grievance of the petitioners is that the petitioners



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were not considered to be posted though vacancies were available.

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3. The petitioners claim that they are entitled to get a regular time scale as per G.O.Ms.No.198, Municipal Administration and Water Supply Department dated 26.10.1998. Despite the third respondent had passed a resolution by approving the eligibility of the petitioners to get regular time scale, so far the same was not implemented.

4. The learned counsel for the third respondent submitted that the petitioners are not direct employees under the third respondent but they were employed under the Self Help Group and the third respondent is disbursing the wages meant to the petitioners and similar other persons only through the Self Help Group and hence the petitioners cannot expect to get a regular time scale pay from the hands of the third respondent directly.

5. In similarly placed circumstances involving the employees like the



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petitioners, this Court has passed an order to consider the employees to be brought under the folder of regular time scale. Since the petitioners are also coming under the zone of consideration, they are entitled to get benefits that might be conferred upon them in view of G.O.Ms.No.198, Municipal Administration and Water Supply Department dated 26.10.1998.

6. In view of the reasons stated above, these Writ Petitions are allowed and the respondents are directed to bring the petitioners under regular time scale either in the category of Over Head Tank Operators or Electric Motor Operators on completion of three years from the date of their original appointments, with all attendant benefits in the light of G.O.Ms.No.198 Municipal Administration and Water Supply Department dated 26.10.1998. No costs. Connected miscellaneous petitions are closed.

01.02.2024

Index: Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
gsk

To:



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

2.The Director,
Commissioner of Municipal Administration,
Raja Annamalaipuram, Chennai.

3.The Commissioner,
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R.N.MANJULA ,J.

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