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W.P.No.19789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

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

W.P.No.19789 of 2024

1. A.Manthira Moorthy
2. P.Kalimuthu
3. M.Sakthivel
4. S.Balakrishnan
5. K.Muthukrishnan
6. K.Karpagavalli
7. M.Jayaraman

... Petitioners

Vs.

1. The Principal Secretary to Government,
Municipal Administration and
Water Supplies Department,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Thoothukudi Corporation,
Palani Road,
Thoothukudi.
3. The Commissioner,
Pudukkottai Municipal Corporation,
Pudukkottai – 622 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to regularise the services of the petitioners on completion of three



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years of service from date of their original appointment in the light of the Division Bench judgment in W.A.No.1615 of 2018 dated 23.11.2023 and G.O.(2D).No. 64 Municipal Administration and Water Supplies (MC 3) department dated 08.08.2019 and G.O.(2D).No. 68 Municipal Administration and Water Supplies (MC3) Department dated 27.08.2019, with all consequential service and monetary benefits, within a time-frame as deem fit and proper by this Court.

For Petitioners : Mr.G.Bala

For Respondents

For R1 & R3 : Dr.T.Seenivasan

Special Government Pleader

For R2 : Mr.N.Ananda Kumar

Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to regularise the service of the petitioners on completion of their three years of service from date of their original appointment, in the light of the judgment passed by this Court in W.A.No.1615 of 2018 dated 23.11.2023, and the government orders in G.O.(2D).No. 64 Municipal Administration and Water Supplies (MC 3) department dated 08.08.2019 and G.O.(2D).No. 68 Municipal Administration and Water Supplies (MC3) Department dated 27.08.2019, with all consequential service and monetary benefits.



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2. The petitioners were originally appointed as Overhead Tank Operators and Sanitary Workers in the erstwhile Panchayat or Municipalities. On expansion of corporation limit as well as constitution of new corporation, the petitioners service were transferred and merged with their respective corporations. They have been working continuously under the administration and control of the respondents, without any break. They are receiving salary as per the minimum wages fixed by the District Collectors from time to time on daily wage basis. They are working on full time basis for the past several years viz., 13 to 23 years. Therefore, they submitted representation for regularisation of their service.

3. However, it was not considered as such, some of the Sanitary Workers approached this Court and the Hon'ble Division Bench of this Court by an order dated 01.09.2015 in W.P.No.17858 of 20214 held that the petitioners are entitled to consideration for grant of time scale on regular basis, on the basis of performance assignment to be done on completion of three years and they are entitled for regularization on completion of three years with all consequential monetary benefits. The Hon'ble Supreme Court of India also confirmed the said order, by an



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order dated 13.02.2017 in S.L.P.(C).No.3170 of 2017.

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4. In compliance of the said order, the first respondent herein passed order in G.O.(2D).No.64 Municipal Administration and Water Supplies (MC 3) department dated 08.08.2019, thereby regularized their service. By another order in G.O.(2D).No.68 Municipal Administration and Water Supplies (MC3) Department dated 27.08.2019, thereby ordered to regularize their service on completion of three years from the date of their original appointment.

5. That apart, in various writ petitions, this Court directed the respondents to regularise the service of the similarly placed persons within a stipulated time. By an order dated 23.11.2023, the Hon'ble Division Bench of this Court in W.A.No.1615 of 2018, directed the respondents to bring the petitioners therein, into regular time scale of pay, within a period of twelve weeks. The petitioners are being the similarly placed persons, they are also entitled for the same benefits of the said government orders. Hence, the present writ petitions.

6. Heard the learned counsel appearing on either side and



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perused the materials placed before this Court.

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7. The third respondent filed counter and on the submission made by the Standing Counsel revealed that after dismissal of the SLP before the Hon'ble Supreme Court of India, the respondents filed Review petition and it is pending. However, no interim order has been granted by the Division Bench of this Court. In fact, some of the Sanitary workers, who had joined in their respective panchayat/municipality were absorbed in the Metro Water Supply and Sewerage Board. Those who were absorbed in the Metro Water Supply and Sewerage Board, all sanitary workers were regularised. Insofar as the persons who were absorbed by the respective corporation were regularised and those who had approached this Court have been regularised, in compliance of the order passed by this Court. Therefore, this Court finds that the petitioners are also entitled for the same benefits of regularisation of their respective services on completion of three years from the date of their original appointment.

8. In view of the above discussions, the respondents are directed to consider the case of the petitioners in the light of the government orders in G.O.(2D).No. 64 Municipal Administration and



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Water Supplies (MC 3) department dated 08.08.2019 and G.O.(2D).No.

68 Municipal Administration and Water Supplies (MC3) Department dated 27.08.2019, within a period of twelve weeks from the date of receipt of a copy of this Order.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

23.07.2024
(½)

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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G.K.ILANTHIRAIYAN. J.

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