



WEB COPY



W.P.No.17567 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.17567 of 2020

and

W.M.P.No.21771 of 2020

1. R.Krishnasamy
2. K. Subramaniam
3. N. Ganesan
4. P. Assan Mohammed
5. P. Selvaraj
6. R. Padmavathy
7. R. Jayanthi
8. P.S. Palanisamy

...Petitioners

Vs.

1.The State of Tamilnadu
rep. by its Principal Secretary,
Municipal Administration and Water supply Department,
Secretariat,
Fort St. George,
Chennai – 09.

2.The Director of Town Panchayats,
Kuralagam,
Chennai – 108.

3.The Assistant Director of Town Panchayats,
Coimbatore District,
Coimbatore.

4.The Executive Officer,
Sirumugai Town Panchayat,
Sirumugai,
Coimbatore District.

...Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Letter No.7695/Peru.1/2018-1, dated 16.11.2018 and quash the same and consequently, direct the respondents to regularize the petitioners service from the date of initial appointment i.e., from 20.08.1983 in respect the petitioners 1 to 7 and from 27.08.1990 in respect of 8th petitioner and provide all attendant benefits, monetary benefits including pensionary benefits to them.

For Petitioners : No appearance

For Respondents : Mr.M. Muthusamy,
Government Advocate
for R1 to R3

Mr.V.Jayaprakash Narayanan
for R4

ORDER

There is no representation on behalf of the petitioners.

2.The learned counsel appearing for the 4th respondent would submit that, the petitioners have already been regularized with effect from 2007, whereas the instant Writ Petition has been filed to relate back the regularization from the date of their initial appointment. He would further invite the attention of this Court in respect of the Judgment of the Division Bench of this Court in W.A.No.1092 of 2020 dated 05.06.2023 in the case of The State of Tamil Nadu rep. by its Secretary, Municipal Administration and Water Supply (MC3)



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Department, Fort St. George, Chennai, and two others v. K.Ramakrishnan, wherein the Division Bench has held that the very regularization in the year 2007 itself, is a concession and such concession cannot be sought for retrospectively from the date of initial appointment, as there was no fundamental right vest with the petitioner to seek such relief. The instant Writ Petition is covered by the Judgment of the Division Bench of this Court in W.A.No.1092 of 2020, dated 05.06.2023. Therefore, I do not find any merits in this Writ Petition.

3.When the matter was listed on 14.10.2024, despite granting many adjournments, the petitioners were not ready. Hence, it was adjourned today under the caption “for dismissal”. Despite listing under the caption for dismissal, there is no representation on behalf of the petitioners.

Accordingly, this Writ Petition is dismissed for default. Consequently, connected Miscellaneous Petition is closed. No costs.

18.10.2024

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
mps



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C. KUMARAPPAN, J.

mps

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