



W.A.Nos.201, 203 & 205

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 24.01.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR  
and  
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.A.Nos.201, 203 & 205 of 2021**

|                                     |                                 |
|-------------------------------------|---------------------------------|
| G.Chittibabu                        | ...Appellant in W.A.No.201/2021 |
| C.Kumar                             | ...Appellant in W.A.No.203/2021 |
| K.G.Sampathkumar<br>W.A.No.205/2021 | ...Appellant in                 |

vs.

- 1.The Government of Tamil Nadu,  
Rep. by the Secretary to Government,  
Municipal Administration & Water Supply Department,  
Fort St. George,  
Chennai – 600 009.
  - 2.The Commissioner,  
Municipal Administration & Water Supply Department,  
Chepauk, Chennai – 600 005.
  - 3.The Commissioner,  
Maraimalai Nagar Municipality,  
Maraimalai Nagar,  
Kancheepuram District – 603 209.
- ...Respondents in all appeals

**Prayer in W.A.No.201/2021:** Writ Appeal filed under Clause 15 of the Letters

Patent, against the order passed by this Court dated 12.02.2019 in W.P.No.3794



**Prayer in W.A.No.203/2021:** Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court dated 12.02.2019 in W.P.No.3797 of 2018.

**Prayer in W.A.No.205/2021:** Writ Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court dated 12.02.2019 in W.P.No.3793 of 2018.

For Appellants in all appeals : Mr.K.M.Ramesh, Senior Counsel  
for Mr.S.Apunu

For Respondents in all appeals : Mr.M.Murali for R1 & R2  
Government Advocate

Mr.P.Srinivas for R3

### **COMMON JUDGMENT**

**(Judgment of the Court was delivered by K.KUMARESH BABU, J.)**

These Intra Court Appeals have been filed by the unsuccessful Writ Petitioners challenging the orders passed by the third respondent, which were upheld and their request to bring them into regular time Scale of Pay with effect from 23.02.2006 with consequential relief was rejected by the learned Single Judge.



WEB COPY

2.Heard Mr.K.M.Ramesh, learned Senior Counsel appearing for Mr.S.Apunu, learned counsel for the appellants, Mr.M.Murali, learned Government Advocate appearing for the respondents 1 & 2 and Mr.P.Srinivas, learned counsel for the third respondent.

3.When these Intra Court Appeals were taken up for hearing, it was brought to the notice of this Court, that two coordinate benches have granted relief to the identically placed persons in W.A.No.1458 of 2019 dated 20.01.2023 and W.A.No.1615 of 2018 dated 23.11.2023. The Writ Appeal No.1615 of 2018 was delivered by a Division Bench of which one of us (Hon'ble Mr.Justice R.Suresh Kumar) had authored the judgment recognizing the rights of identically placed persons and had directed the employees to be brought under regular time Scale of Pay by regularizing the services. Similarly, the another Division Bench in W.A.No.1458 of 2019 had set aside a similar order passed by the learned Single Judge whose order is impugned herein and had directed regularization of the services as indicated therein.

4.In such a view of the matter, we do not wish to take a different view than that had been taken in the aforesaid decisions of the coordinate benches.



WEB COPY



W.A.Nos.201, 203 & 204

5. In fine, the Writ Appeals are allowed and the orders of the learned Single Judge as well as the orders passed by the respondent impugned in the Writ Petitions are set aside. As a sequel, the respondents are directed to regularize the service of the petitioners on the date of completion of 10 years of service from the date of initial appointment. However, they would be entitled to only notional fixation of monetary benefits from the date which they are entitled to be regularized under the Government Order in G.O.Ms.No.21, Municipal Administration and Water Supply Department dated 23.02.2006 and they would be entitled to actual monetary benefits from the date of this judgment. There shall be no order as to costs.

(R.S.K.,J.) (K.B.,J.)  
24.01.2024

Index: yes/no  
Speaking order: yes/no  
Neutral Citation: yes/no  
pam



W.A.Nos.201, 203 & 204

To

WEB COPY

1. The Secretary to Government,  
Government of Tamil Nadu,  
Municipal Administration & Water Supply Department,  
Fort St. George,  
Chennai – 600 009.
2. The Commissioner,  
Municipal Administration & Water Supply Department,  
Chepauk, Chennai – 600 005.
3. The Commissioner,  
Maraimalai Nagar Municipality,  
Maraimalai Nagar,  
Kancheepuram District – 603 209.



WEB COPY



W.A.Nos.201, 203 & 205

**R.SURESH KUMAR, J.**  
and  
**K.KUMARESH BABU, J.**

Pam

**W.A.Nos.201, 203 & 205 of 2021**

**24.01.2024**