



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25408 of 2024
and W.M.P.No.27780 of 2024

1.N.Panjalingam

2.A.Ganesan

3.R.Balraj

4.P.Aruchamy

5.P.Devaraj

... Petitioners

Vs.

1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai.

2.The Commissioner of Municipal Administration,
Office of the Directorate of Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 600 028.

3.The Commissioner,
Coimbatore Corporation,
Coimbatore 641 002.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant each of the petitioners the pay scale of drivers with effect from the date they discharged duties in the said post in the light to the proceedings of the 3rd respondent in its Na.Ka. No.3911/07/MC7 dated 10.10.2008 and in terms of the directions contained by the Division Bench of this Court in WA.No.1000 of 2018 dated 31.01.2023 as implemented by the proceedings of the 3rd respondent in Na.Ka.No.12069/2013/MC 7 dated 10.02.2024 along with arrears and all attendant benefits.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.K.Suresh
Government Advocate for R1 & R2

Mr.D.R.Arunkumar
Standing Counsel for R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to grant to each of the petitioners appropriate pay scale with effect from the date when they started discharging their duties in the post of Driver in the light of the proceedings of the 3rd respondent dated 10.10.2008 and in terms of the judgment of the Division Bench of this Court in WA.No.1000 of 2018 dated 31.01.2023 which was also implemented by the 3rd respondent through proceedings dated 10.02.2024, along with arrears and all attendant benefits.



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2. Heard Mr.V.Vijayashankar, learned counsel appearing on behalf of the petitioners, Mr.K.Suresh, learned Government Advocate appearing on behalf of respondents 1 and 2 and Mr.D.R.Arunkumar, learned counsel appearing on behalf of the 3rd respondent.

3. The case of the petitioners is that petitioners 1 to 3 initially joined as Sanitary Worker in the Coimbatore Corporation in the year 1996. The 4th and 5th petitioners entered service in the year 1988 itself. The petitioners 1 to 3 are still in service and the 4th and 5th petitioners have already retired from service.

4. The further case of the petitioners is that during July 1997, the Coimbatore Corporation Council resolved to utilise the services of the qualified Sanitary Workers as Drivers. Accordingly, the services of the petitioners were utilized as Drivers. However, they were not given the pay of Drivers but they were drawing a lower scale of pay fixed for Sanitary workers. The petitioners made representations in this regard and sought for fixing their pay in the post of Driver from the date on which their services were utilized as Drivers. Since the same did not evoke any response, all of them approached this Court by filing writ petitions. These writ petitions were disposed of with a direction to respondents to take appropriate action to regularize the services.



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5. After a long struggle, the 3rd respondent through proceedings dated 05.09.2017, appointed the petitioners as Drivers in regular scale of pay. However, the said scale of pay was not granted from the date the petitioners started discharging their duty in the post of Driver.

6. Persons who are similarly placed like the petitioners approached this Court and sought for a similar relief. The writ petition filed by them was allowed by an order dated 31.07.2017. The order was put to challenge in a writ appeal in W.A.No.1000 of 2018. The Division Bench by an order dated 31.01.2023, confirmed the findings of the learned Single Judge. Pursuant to the same, the 3rd respondent through proceedings dated 10.02.2024 has implemented the order and has granted fixation of pay as Drivers from the dates on which they assumed the charge. According to the petitioners, they are placed in a better footing, since those petitioners to whom the relief was granted joined subsequent to the petitioners joining the post of Drivers.

7. The petitioners made representations to the respondents and the same did not evoke any response. Left with no other alternative, the present writ petition has been filed before this Court.



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8. Taking into consideration the facts and circumstances of the case and also the order passed in W.A.No.1000 of 2018, which was subsequently implemented by the 3rd respondent through proceedings dated 10.02.2024, there shall be a direction to the 3rd respondent to deal with the representations made by the petitioners on 11.03.2024 and 14.03.2024 on its own merits and in accordance with law and in line with the earlier orders passed by this Court which was implemented and take a final decision, within a period of eight weeks from the date of receipt of copy of this order.

9. The petitioners are directed to make individual representation to the 3rd respondent along with all the relevant documents and also a copy of this order.

10. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



N. ANAND VENKATESH, J.

SSR

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To

- 1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai.
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Office of the Directorate of Municipal Administration,
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