



W.A.No.3284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN**

**Writ Appeal No.3284 of 2024
and C.M.P.No.25464 of 2024**

The Principal Secretary to Government
Municipal Administration and Water
Supply Department, Fort St.George
Chennai - 600 009.

... Appellant

-Vs-

1.R.Kuppan

2.The Commissioner
Greater Chennai City Corporation
Rippon Building, Chennai 600 003.

3.The Zonal Officer
Zone-XIV, Greater Chennai City Corporation
Puzhuthivakkam, Chennai-600 091.

.... Respondents

Prayer: Writ Appeal under Clause 15 of the Letters Patent against the order dated 20.02.2024 in W.P.No.20856 of 2021.

For Appellant	:	Mr.R.Neelakandan Additional Advocate General for Dr.T.Seenivasan, Special Government Pleader
For Respondents	:	M/s.Bala and Daisy - for R1 Ms.K.Ashwini Devi, Standing Counsel - for RR 2 and 3



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J U D G M E N T

(Judgment of the Court delivered by **R.SURESH KUMAR, J.**)

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This intra Court appeal has been directed against the order passed by the Writ Court dated 20.02.2024 in W.P.No.20856 of 2021.

2. The first respondent viz., R.Kuppan was engaged as a Sweeper in the erstwhile Kottivakkam Panchayat, which was subsequently merged with the Chennai Corporation. When that being so, when all the employees who were working at Kottivakkam Panchayat had been taken directly by the Chennai Corporation, some of them like the said Kuppan have not been taken. By an order dated 06.09.2021, the first respondent has been transferred from Kottivakkam Dumping Yard to Perungudi Dumping Yard. That was questioned by him before the writ Court in W.P.No.20846 of 2021.

3. The learned Judge, who heard the writ petition, set aside the said order dated 06.09.2021 and also consequently directed the appellant Corporation to regularize the services of the first respondent with effect from the date he has become eligible to be regularized as per the relevant Government Order which was in vogue. Challenging the said order, the present appeal is preferred at the instance of the State Government represented by the Secretary to the Government, Municipal Administration and Water Supply Department.



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4. Heard Mr.R.Neelakandan, learned Additional Advocate General for the appellant, M/s.Bala and Daisy for the first respondent and Ms.K.Aswini Devi, learned Standing Counsel for the respondents 2 and 3.

5. At the outset, learned Additional Advocate General would submit that, some of the similar employees of the very same Kottivakkam Panchayat including the first respondent, had already approached this Court and filed a writ petition in W.P.No.13455 of 2013 seeking for regularization. The said writ petition was disposed of and the writ appeal filed against the said order by the Commissioner, Corporation of Chennai in W.A.No.1615 of 2018 also came to be disposed on 23.11.2023 by yet another Division Bench of this Court, where one of us (R.Suresh Kumar, J.) was a party, where, after having considered the factual matrix as well as the legal position, the following order was passed:

" 17. Therefore, for all these reasons we do not find any infirmity in the orders passed by the learned Judge in the impugned order and therefore the said order is to be sustained, accordingly this appeal fails, hence it is dismissed. However, there shall be no order as to costs. The needful as indicated above i.e. bringing them under regular time scale of pay by regularising their services by the appellant Corporation in respect of the remaining 7 employees are concerned, such a needful



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should be undertaken by the appellant Corporation within a period of twelve (12) weeks from the date of receipt of a copy of this judgment and accordingly the service benefits including the monetary benefits shall be extended to them as in the case of other similarly placed persons who received the similar benefits already.

18. With these directions, this Writ Appeal is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is dismissed."

6. The said order in fact has been appealed before the Hon'ble Supreme Court by the Corporation of Chennai in S.L.P.(Civil) No.3271 of 2024, which came to be dismissed by the order of the Hon'ble Supreme Court dated 27.09.2024 in limine in view of the peculiar facts and circumstances of the case.

7. Therefore, legally the issue of regularization of the employees including the first respondent herein has been concluded. In the meanwhile, this intra Court appeal has been filed. Before this appeal is taken up for hearing, the very same appellant has come forward to implement the order passed by the Division Bench of this Court made in W.A.No.1615 of 2018 as confirmed by the Hon'ble Supreme Court by its order dated 27.09.2024 and issued G.O.No.137, Municipal Administration and Water Supply Department dated 18.10.2024, where, the



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services of all such employees including the first respondent has been regularized, however that regularization would take effect from the date of issuance of the Government Order ie., 18.10.2024.

8. In view of this development, nothing survives for adjudication in this writ appeal. It is to be noted that the transfer order dated 06.09.2021 also has been set aside by the writ Court, which was also accepted and complied with by the Chennai Corporation.

9. Now, the learned counsel appearing for the first respondent would raise a point that as per the order of the earlier Division Bench dated 23.11.2023 in W.A.No.1615 of 2018, as has been confirmed by the Hon'ble Supreme Court as stated supra, these employees including the first respondent would be entitled to get regularized from the date of their eligibility ie., from the date of their initial appointment after completion of three years of satisfactory service. Therefore, as per the Government Order which was in vogue, such a regularization if at all has to be given, should date back to their original date of eligibility. However, as per G.O.No.137 dated 18.10.2024, regularization has been given only from the date of the Government Order ie., 18.10.2024. Therefore, to that extent the first respondent still has got a grievance.



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10. In respect of the said submission made by the learned counsel for the first respondent, since it is a new cause of action that has arisen out of the issuance of the Government Order No.137 dated 18.10.2024, which is not the subject matter in this intra Court appeal for adjudication, we are not inclined to express any opinion on the contention of the first respondent, except to add that it is for the first respondent to agitate the said issue in the manner known to law.

11. With the above observations, this Writ Appeal is dismissed. No costs. Consequently connected miscellaneous petition is closed.

(R.S.K.,J.) (C.S.N.,J.)
26.11.2024

NCS : Yes/No
Index : Yes/No
KST

To

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