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W.P.No.4883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

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

W.P.No.4883 of 2024

1.G.Jagannathan
2.U.Vaduvaiyan
3.S.Pichaikani
4.G.Citibabu

...Petitioners

-Vs-

1.The Government of Tamil Nadu
Rep. by the Secretary to the Government
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 600009.

2.The Director of Municipal Administration,
Chepauk, Chennai – 600005.

3.The Commissioner,
Mannargudi Municipality,
Mannargudi, Thiruvarur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioners' representation dated 10.10.2023, 10.10.2023, 19.10.2023 and 20.11.2023 seeking to reinstate them into service in the Mannargudi Municipality as done in the case of the said Mr.P.Singaravelu and others who were disengaged along with them and grant them all consequential benefits in



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accordance with G.O.Ms.No.21, Municipal Administration and Water Supply Department dated 23.02.2006 and the orders of this Hon'ble Court in W.P.No.24296 to 24306 of 2008 batch dated 05.02.2021 within a time limit to be stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Manojkumar
For R1 & R2 : Mr.K.Tamilvendan
Government Advocate
For R3 : Mrs.Y.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to consider the representations of the petitioners seeking to reinstate them into service in Mannargudi Municipality.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was engaged as Nominal Muster Roll in Mannargudi Municipality in the year 1993-1994. In that capacity, 658 persons including the petitioners were working in the Mannargudi Municipality for some period of time. Thereafter, they were not engaged from the year 1997.



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However, some of the employees were retained in service and they were subsequently taken back as permanent employees and regularised in the Mannargudi Municipality. Therefore, the disengaged workers, including the petitioners approached the Tamil Nadu Administrative Tribunal and filed O.A.No.3231 of 1996. The Tamil Nadu Administrative Tribunal, by an order dated 03.07.1997, directed the second and third respondents to give priority to the petitioners and when the Municipality chooses to recruit NMRs in future.

4. While being so, G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006, the NMRs who have been engaged prior to 01.10.1996 and continuously working as on 01.10.1996 would be eligible for consideration for regularisation. About 11 NMRs out of the 41 NMRs, who were disengaged along with the petitioners, made request to grant the benefits as per the Government Order and the same was rejected. Therefore, they were approached this Court in W.P.Nos.24296 to 24306 of 2008 dated 05.02.2021. This Court, by an order dated 05.02.2021, directed the first respondent to pass suitable order depending upon the available vacancies in the third respondent Municipality and in respect of others/remaining people, further suitable orders can also be passed giving such direction to the third



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respondent to identify the vacancies available in other Municipalities to accommodate other petitioners.

5 Thereafter, the petitioners therein were engaged and they are working now. However, the petitioners who are also similarly placed persons, based on the said directions, submitted representation to consider to reinstate them into service. All the petitioners were aged about more than 55 years. Admittedly, there were disengaged from the year 1996. After a period of twenty eight years, the request made by the petitioner cannot be considered. Hence, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No costs.

28.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

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Municipal Administration and Water Supply Department,
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- 3.The Commissioner,
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G.K.ILANTHIRAIYAN. J,

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