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W.A.No.1707 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.1707 of 2019 and

CMP No.11410 of 2019

The Commissioner,
Mettupalayam Municipality, Mettupalayam,
Coimbatore District.

... Appellant

Vs.

1. P.Raghu
2. A.Velusamy
3. C.Jeyachitra
4. R.Nagamani
5. Lingammal
6. P.Logidhasan
7. C.Govindaraj
8. The Secretary to Government,
Govt. of Tamil Nadu, Municipal Administration
and Water Supply Department,
Fort St. George, Chennai 600 009.

9. The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court dated 11.10.2013 in W.P.No.32463 of 2012 and dismiss the writ petition.

For Appellant : Mr.B.Anand
For Respondents : Mr.P.I.Thirumoorthy for R1 to R7
Mr.P.Balathandayutham,
Spl.Govt.Pleader for R8 and R9

JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra-Court Appeal has been filed by the Mettupalayam Municipality, Coimbatore District, as against the order passed by this Court in W.P.No.32463 of 2012, dated 11.10.2013.

2. The learned Singled Judge has passed the following order in the above said W.P.No.32463/2012, dated 11.10.2013.

"... Further, this Court takes into consideration the judgment of the Hon'ble Division Bench of this Court in Review Application No.69 of 2013, dated 15.04.2013, wherein, the Division Bench noted that G.O.Ms.No.71 dated 05.05.1998 is applicable to Municipality sanitary workers. In that event, the respondents are bound by that Government order and bound to



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regularise the services of the petitioners on their completion of three years of service. Accordingly, the impugned order is set aside and the respondents are directed to regularise the services of the petitioners with effect from the date on which they completed three years of service, as per G.O.Ms.No.71 Municipal Administration and water supply (MC.3) Department dated 05.05.1998 and pay the arrears of monetary benefits to them within a period of twelve weeks from the date of receipt of the copy of the order."

3. Today, when the matter is listed for hearing, the learned counsel appearing on either side informed before this court that, in similar matter, as against the order passed by this Court in Review Application No223/2015 dated 30.05.2017, a petition to Special Leave to Appeal (c) No.21935/2017 has been filed by the Commissioner of Madurai Corporation before the Hon'ble Supreme Court of India, wherein, interim stay has been granted on 15.09.2017. According to both the parties, the issue is still pending before the Hon'ble Supreme Court.

4. In such circumstances, the learned counsel appearing for the appellant agreed that the issue involved in the present appeal is also subject to order of Special Leave to Appeal(C) No.21935/2017, to be passed by the Hon'ble Supreme Court. Hence, the Department will consider the claim of



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the respondents and take appropriate decision, in terms of the orders to be passed by the Hon'ble Supreme Court.

5. The learned counsel appearing for the private respondents has also agreed to the above said submission made by the learned counsel for the appellant.

6. Recording the above submission made by the learned counsel for the appellant as well as the private respondents, this writ appeal is disposed of with the following directions:

i) The final decision of the Hon'ble Supreme Court in the Special Leave to Appeal (C) No. 21935/2017 will binding on both the parties.

ii) Based on the disposal of the above said Special Leave to Appeal, the appellant authority has to take necessary decision on the issue of regularization of service of the private respondents, in terms of the order passed by the Hon'ble Supreme Court in the above SLA (C) No.21935/2017 and communicate the same to the private respondents.



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iii) It is needless to say that the private respondents also shall make a representation before the authorities concerned, after the order passed by the Hon'ble Supreme Court in the above SLA (C) No.21935/2017.

7. With the above directions, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.)

(K.B.J.)

15.04.2024

Internet: Yes/No
Index : Yes/No
mst

To

1. The Secretary to Government,
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2. The Commissioner,
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