



WP(MD). No.13168 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.13168 of 2024

N.Pandithurai

... Petitioner

Vs

1. The Secretary to Government
Municipal Administration and Water
Supply Department,
Secretariat,
Chennai - 9..

2. The Director,,
Municipal Administration,
Ezhilagam,
Chepauk, Chennai - 5..

3. The Commissioner of Municipal,
Administration,, Ezhilagam Annexure,
Chepauk,Chennai - 5..

4. The Commissioner,,
Sivakasi Municipality, Sivakasi..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or Order or Direction and more particularly a Writ of Mandamus directing the 1st respondent to regularize



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the service of petitioner, filter Cleaner from the initial date of appointment on 06.10.1999 in time Scale of Pay as per the Sivakasi Municipal Council Resolution dated 04.10.1999 and also based on the last proposal forwarded by the 4th respondent dated 27.04.2022, that too, after the retirement of the petitioner on 28.02.2021 and to extend the benefit of similarly placed Co-Employees R. Thangam and S. Oorthevan who joined along with the petitioner on 06.10.1999 and to grant monetary and service benefits such as Annual increment, selection grade and special grade including arrears of pension and other terminal benefits along with belated payment interest to the petitioner.

For Petitioner : M/s.Govindan.S,
For Respondents : Mr.J.Ashok for R1 to R3
Additional Government Pleader
Ms.S.Devasena for R4

ORDER

By consent, the writ petition itself is taken for final disposal.

2. Heard Mr.S.Govindan, learned counsel for the petitioner and Ms.S.Devasena, learned counsel for the respondents.

3. The writ petition has been filed for a direction to the 1st respondent to regularize the service of the petitioner as filter Cleaner from the initial date of appointment ie., on 06.10.1999 in time Scale of



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Pay as per the Sivakasi Municipal Council Resolution dated 04.10.1999 and also based on the last proposal forwarded by the 4th respondent dated 27.04.2022, that too, after the retirement of the petitioner on 28.02.2021 and to extend the benefit of similarly placed Co-Employees R. Thangam and S. Oorthevan, who joined along with the petitioner on 06.10.1999 and to grant monetary and service benefits such as Annual increment, selection grade and special grade including arrears of pension and other terminal benefits along with belated payment of interest.

4. The learned counsel for the petitioner submitted that a resolution has been passed by the 4th respondent municipality in order to give time scale of pay to the petitioner and a proposal has also been sent to the 2nd respondent. In the said proposal, along with the name of the petitioner, other two employees by name, R. Thangam and S. Oorthevan have also been included. So far as the other two persons are concerned, the regularisation order has been passed. As against the petitioner, no order has been passed so far. In fact, the 4th respondent Municipality has even requested to consider the case of the petitioner for age relaxation for the purpose of regularizing him. Since the same has not been considered, the



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petitioner is before this Court.

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5. Attention was drawn to the earlier writ petition in WP(MD) No. 7835/2023 filed by the wife of one employee, by name Oorthevan, seeking a direction to regularize the services of Oorthevan and it was considered and direction was issued for relaxing the rules. Subsequently the directions were also complied.

6. As the same is applicable to the petitioner's case also, the 2nd respondent is directed to pass appropriate orders on the recommendation made by the 4th respondent and by taking into consideration the earlier judicial pronouncements made in this regard on a writ petition filed by a similarly placed person and in whose favour rules were relaxed. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs.

20.06.2024

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R.N.MANJULA,J

RR

**ORDER
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