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W.P.No.699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.699 of 2023

K.Varatharaj

... Petitioner

Vs.

1. Principal Secretary to Government
Municipal Administration and Water Supplies,
Department, Fort St.George,
Chennai 600 009.
 2. The Managing Director,
Chennai Metropolitan Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chennai 600 002.
 3. The Area Engineer,
Chennai Metropolitan Water Supply and Sewage Board,
Sholinganallur,
Chennai 600 119
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in his proceedings Letter No.14947 /MW2/ 2021 -



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5 dated 29/11/2022 and quash the same and consequently direct the respondents herein to regularize the services of the petitioner on completion of 3 years of service from date of his original appointment in the erstwhile Town panchayat i.e. with effect from 23/06/2022 by extending the benefit of the orders passed by the first respondent herein in G.O. (2D) No.69 Municipal Administration and Water Supplies (MW 1) Department dated 28/08/2019, within a time frame as deem fit and proper by this Court.

For Petitioner : Mr.G.Bala and Daisy

For Respondent-1 : Mr.S.J.Mohamed Sathik,
Government Advocate

For Respondents-2 and 3 : Mr.Krishna Ravindar

ORDER

The writ petitioner seeks parity with one Gajendran by filing this writ petition to quash the order passed by the 1st respondent dated 29.11.2022 and consequently direct the respondents to regularize the services of the petitioner on completion of three years of service from the date of his original appointment in the erstwhile Town Panchayat, i.e. with effect from 23.06.2022.



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2. The petitioner seeks to have the benefit of the orders passed by the 1st respondent in G.O(2D) No.69, Municipal Administration and Water Supplies (MW-1) Department dated 28.08.2019. The petitioner would contend that he had been appointed as an Office Assistant on 09.01.1991 at Sholinganallur Town Panchayat. Subsequently, the District Collector, Kancheepuram and the Block Development Officer had directed to open a service book for all Panchayat employees and accordingly, the petitioner's service book was opened. The petitioner would submit that he has been continuously employed by the said Town Panchayat, which is now under the control of respondents 2 and 3. He had put in continuous service of 25 years.

3. The petitioner's services were regularized with effect from 23.06.2006 though they were entitled to regularization of his services on completion of three years from the date of his original employment. The Sholinganallur Town Panchayat was merged with



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Corporation of Chennai on 25.10.2011. The petitioner is continuing
in his service with the Corporation.

4. In these circumstances, one Gajendran and 30 others, who are in similar circumstances as the petitioner, had filed W.P.No.17858 of 2013 before this Court. On 01.09.2015, the writ petition was allowed on the following terms.

“In the view of the foregoing, these writ petitions also are disposed off on the same terms, in which the aforesaid batch of writ appeals was decided. As a sequel, the petitioners are entitled to consideration for grant of time scale on regular basis on the basis of performance of the petitioners is found satisfactory, they are entitled to regularization on completion of 3 years with all consequential monetary benefits.

This order was further confirmed by the Hon’ble Supreme Court in S.L.P.(C).No.3170 of 2017. Thereafter, in compliance of the orders of this Court, the 1st respondent had passed an order in G.O(2D) No.103, Municipal Administration and Water Supplies (MW-1) Department dated 08.08.2019 regularizing the services of over 258 temporary workers of the Chennai Metropolitan Water supply and



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Sewage Board with effect from 13.12.2018. Thereafter, the 2nd

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respondent passed an order on 30.08.2019 regularizing the services of the petitioner as Field worker with effect from 13.12.2018. The services of Gajendran and two others were regularized upon completion of three years from the date of their original appointment in the Village Panchayat, as per G.O(2D) No.69, Municipal Administration and Water Supplies (MW-1) Department dated 28.08.2019. However, the petitioner's services have been regularized only from the year 2018. The petitioner had submitted a representation requesting the respondents to regularize the service on completion of three years from the date of original appointment. Since no orders were passed, the petitioner had filed W.P.No.11450 of 2020 and on 11.02.2022, this Court had directed the respondents therein to consider and pass orders. Thereafter, the respondents passed the impugned order, which is now challenged before this Court.

5. A detailed counter statement has been filed denying the petitioner's request. The respondents would submit that the case of



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Gajendran and others would not operate in favour of the petitioner.

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The respondents would further submit that, in the order regularizing Gajendran and Others, it has been clearly stated that the order could not be considered as a precedent. They would further submit that the petitioner had already filed W.P.No.11450 of 2020 to regularize the services on the completion of three years of service from the date of his original appointment, i.e. with effect from 09.01.1994. That apart, it is their contention that the petitioner, in the earlier W.P.No.11450 of 2020, had prayed that three years of service from the date of the original appointment should be regularized and the petitioner has himself stated that his regularization should be with effect from 23.06.2002 by extending the benefit of the orders passed by the 1st respondent in G.O(2D).No.69 with all consequential service and monetary benefits. This fact has been totally suppressed by the petitioner in the instant writ petition where the petitioner seeks regularization from 1994. Therefore, they sought to have the writ petition dismissed.



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

7. The petitioner had sought for regularization with effect from **09.01.1994**, i.e., upon completion of three years from the date of his original appointment. The petitioner relied upon the earlier proceedings which had gone in favour of Gajendran and others who are similarly placed. However, the petitioner has effectively suppressed the earlier proceedings in W.P.No.11450 of 2020, wherein he himself had asked for regularization of his service on completing three years of service from the date of his original appointment, I.e with effect from 23.06.2002 by extending the benefits of the orders passed by the 1st respondent dated 28.08.2019. However, in the affidavit filed in support of the writ petition No.11450 of 2020, the petitioner has stated in paragraph No.2 as follows:

“The writ petition is filed for a writ of certiorarified mandamus, to call for the records relating to the impugned order passed by the first respondent herein in his proceedings letter no: 14947/MW2/2021-5 dated 29/11/2022 and quash



the same and consequently direct the respondents herein to regularize the services of the petitioner on completion of 3 years of service from date of his original appointment in the erstwhile town panchayat i.e. with effect from 23/06/2002 by extending the benefit of the orders passed by the first respondent herein in G.O.(2D).No 69 municipal administration and water supplies (MW 1) department dated 28/08/2019, with all consequential service and monetary benefits, within a time-frame as deem fit and proper by this Hon'ble Court."

Further even in the instant writ petition in the prayer portion the petitioner has sought for regularization with effect from 23.06.2022.

8. The petitioner, having sought for regularization with effect from 23.06.2002 in an earlier writ petition and in the instant case, cannot now turn around and seek regularization with effect from 1994 and claim parity with the said Gajendran and others.

9. In the light of the above discussions, this Writ Petition is



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dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
srn

To

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