



W.P.No.898 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.898 of 2024

P. James

... Petitioner

Vs

1. The Additional Chief Secretary
to Government,
Municipal Administration and
Water Supplies Department,
Fort St.George,
Chennai 600 009.

2. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

3. The Zonal Officer
Corporation of Chennai
Zone XIV, Puzhuthivakkam
Chennai 600 091.

.... 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



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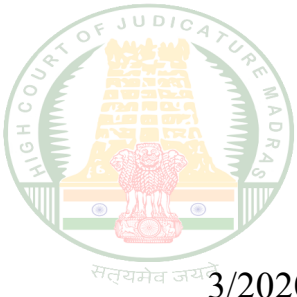
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records relating to the impugned order passed by the first respondent in his proceedings letter No.11034/MS-3/2020-1 dated 22.07.2020 and quash the same and consequently direct the respondents herein to regularise the services of the petitioner as Computer Operator on completion of 3 years of service from the date of her original appointment i.e., with effect from 12.02.1999 in the light of the order passed by the 1st respondent herein in G.O.(2D).No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08.08.2019 and G.O.(2D).No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019 and the orders of the Division Bench W.A.No.1615 of 2018 dated 23.11.2023 together with all consequential service and monetary benefits, within a time frame as deem fit and proper by this Court.

For Petitioner	: M/s.G.Bala and Daisy
For Respondents	: Dr.T.Seenivasan Spl. Government Pleader for R1 Mr.S.Gopinathan Standing Counsel for R2 & R3

ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the first respondent in proceedings letter No.11034/MS-2/11



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3/2020-1 dated 22.07.2020 and quash the same and consequently direct the respondents herein to regularise the services of the petitioner as Computer Operator on completion of 3 years of service from the date of her original appointment i.e., with effect from 18.01.2010 in the light of the order passed by the 1st respondent herein in G.O.(2D).No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08.08.2019 and G.O.(2D).No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019 and the orders of the Division Bench W.A.No.1615 of 2018 dated 23.11.2023.

2. In the affidavit filed in support of the writ petition, it had been contended that the writ petitioner had been appointed as a Computer Operator on 12.02.1996 at Perungudi Town Panchayat, Chennai and had been continuously working without any break. It had been contended that in view of the continuous employment of the petitioner as Computer Operator, the petitioner should be recognised as having come into regular service (on completion of three years of service from the date of original appointment) consequent to G.O.(2D).No.64 Municipal Administration



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and Water Supplies (MC 3) Department, dated 08.08.2019 and G.O.(2D) No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019. It is contended that this particular benefit of confirmment of regularisation has been examined earlier by learned Single Judges of this Court and also in appeal in W.A.No.1615 of 2018 and by judgment dated 23.11.2023, the Division Bench had also affirmed grant of regularisation of services within three years from the date of initial appointment.

3. A counter affidavit had been filed on behalf of the respondents contending that the petitioner had been brought into service only on daily wages and that his initial appointment itself was not regular and therefore he cannot be brought into regular service. It had also been stated that similar writ petitions filed by NMR workers had also suffered order of dismissal by this Court.

4. In view of the fact that two conflicting views had been taken by the petitioner and the respondents, it is only appropriate to place reliance



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on the order of the Division Bench in W.A.No.1615 of 2018 judgment dated 23.11.2023. It is contended that as against the judgment of the Division Bench, the respondents had also preferred SLP (C) Diary No.32017 of 2024 and the same had been dismissed by judgment dated 27.09.2024 by the Hon'ble Supreme Court. Thereafter, the respondents have come back to the Division Bench and had filed CMP.No.28457 of 2024 in W.A.No.1615 of 2018 seeking clarification of the earlier order and by further order dated 30.01.2025, the Division Bench had directed that no clarification is required and that benefit as directed should be extended. In W.A.No.1615 of 2018 wherein, the Division Bench had examined the case of similarly placed employee and it had been held by the Division Bench as follows:-

“13. Insofar as the initial engagement or appointment of these employees are concerned, it starts from 1981 and it spread over upto 2005, assuming that the last person who has been engaged in the year 2005, as per G.O.Ms.No.199, the three years period over by 2008 and in 2009 immediately he could be brought under the time scale of pay.

14. Since they have been continuously working for all



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these years till date the need of the employees to be engaged continuously is there and it cannot be disputed, when that being the position, since these employees have fulfilled the requirements as stated in the said Government Order, they are eligible to be considered for being brought under the time scale of pay, for which steps should have been taken by the appellant Corporation to write to the Government and a nod has to be obtained and to do the same by bringing them under regular time scale of pay.

15. Insofar as the legal position is concerned, based on the very same G.O.Ms.No.199 when orders were passed in respect of similarly placed persons by the Writ Court, which was appealed by the local body in the said Writ Appeal Nos.47 and 385 of 2010 which was also disposed on 23.06.2010 by a Division Bench confirming the order passed by the Writ Court and that order passed by the Division Bench also has been confirmed by the Hon'ble Supreme Court in the SLP filed by the Executive Officer of the local body, therefore as has been rightly pointed out by the learned counsel appearing for the contesting respondents, the issue has been given a quietus.

16. Apart from that, 8 out of 15 employees, who all joined together and filed the writ petition which is impugned herein, had already been regularised by bringing them under the time scale of pay by another local authority or an organisation that is called Metro Water Department. Merely



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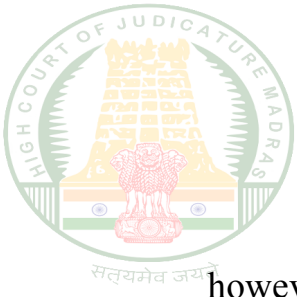


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because the 7 out of 15 employees herein have been placed at the disposal of the Chennai Corporation, a different treatment cannot be meted out by them and therefore such an inaction on the part of the appellant Corporation can easily be construed as a discrimination, therefore on that ground also, the remaining employees are entitled to get such a benefit of regularisation under regular time scale of pay.

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 ie., 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 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”.

5. In the instant case, on behalf of the respondents it is contended that the records relating to the date of initial joining was not available but



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however the learned counsel for the petitioner pointed out the records of the respondents dated 03.01.2018 in proceedings No.002/2018, wherein the case of similarly placed employees were examined and they were recommended to be regularised. In that particular proceedings, an annexure had been enclosed and the name of the writ petitioner is found in S.No.212 giving details of birth and the post to which the petitioner was initially appointed and date of initial appointment. Therefore, there cannot be any quarrel over the fact that the petitioner had been appointed initially on the dates mentioned therein and had discharged work for a continuous period of three years. The fact that he had discharged work for a continuous period of three years had not been denied or disputed by the respondent. Naturally the judgment of the Division Bench as affirmed by the Hon'ble Supreme Court applies to the petitioner herein.

6. In view of the aforementioned reasons given, the writ petition stands allowed. A direction is issued to the respondents to bring the petitioner into regular time scale of pay by regularising the service of the petitioner by the respondent Corporation. This particular proceedings in



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this regard should be issued within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the service benefits including monetary benefits shall be extended to the petitioner as the case of similarly placed persons who have received similar benefits already. The impugned order passed by the first respondent in proceedings letter No.11034/MS-3/2020-1 dated 22.07.2020 is quashed. No costs.

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(2/2)

dpq
Index: Yes/No
Speaking order / Non speaking order



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C.V. KARTHIKEYAN, J.

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