

W.P. No. 5462 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 25.02.2025**

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**CORAM**

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P. No. 5462 of 2020**

**K. Meganathan**

**... Petitioner**

**Vs.**

1.Principal 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**

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to regularize the services of the petitioner on completion of 3 years of service from the date of his original appointment i.e., with effect from 14.11.1999 in the light of the orders passed by the first 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, with all consequential service and monetary benefits, within a time frame as deem fit.



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For Petitioner : Mr. G. Bala  
For Respondents : Mr. S. Rajesh, for R1  
Government Advocate  
Mr. S. Gopinathan, for R2 & R3  
Standing Counsel

### **ORDER**

This Writ Petition has been filed for the issuance of a writ of mandamus to direct the respondents herein to regularize the services of the petitioner on completion of 3 years of service from the date of his original appointment i.e., with effect from 14.11.1999 in the light of the orders passed by the first 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, with all consequential service and monetary benefits.

2. The case of the petitioner is that, he had studied upto 6<sup>th</sup> Std and appointed as a Sanitary Supervisor w.e.f. 14.11.1996. He had been continuously working for the past 23 years without any break and the petitioner being paid a monthly salary taking into account the minimum wages fixed by the District Collector for the post of Sanitary Worker from time to time on daily wages basis with arrears. He is a full time basis worker and he is working continuously for three decades and now the

Kottivakkam Panchayat has been merged with the Corporation of Chennai from



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25.10.2011 and the petitioner was also continuing his services as Sanitary Worker under the respondents Corporation.

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3. According to the petitioner, one M. Gajenderan and 30 others filed W.P.No.17858 of 2014. The said writ petition was allowed stating that the petitioners therein are entitled for regularisation on completion of three years with all consequential monetary benefits from the date of joining the Corporation and it was further confirmed by the Supreme Court in SLP.C.C.No.3170 of 2017 and the first respondent passed an order in G.O.(2D) No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08.08.2019 regularising their services. Further another order in G.O. (2D) No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019, regularising their services on completion of three years from the date of original appointment.

4. According to the petitioner, the Government orders created cause of action for the petitioner to claim equal treatment on par with the similarly placed persons and the petitioner was not allowed to work when he reached 60 years and his entire source of income has been stopped by the respondents. He made several representations requesting the respondents to regularise his services. But no orders have been passed in favour of the petitioner. Finally, he approached the second

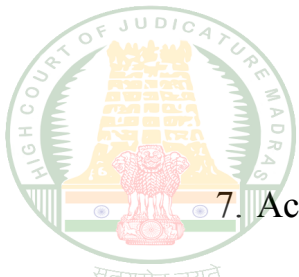


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respondent on 29.11.2019 and submitted representations to regularise his services, as done in G.O. (2D) No.64 Municipal Administration and Water Supplies (MC 3) Department dated 08.08.2019 and G.O. (2D) No.68 Municipal Administration and Water Supplies (MC 3) Department dated 27.08.2019 and the authorities have not considered the same. Hence, he is before this Court seeking for issuance of mandamus directing the respondents to take his services into account and pay the monetary benefits based on the above G.Os by regularising the services.

5. Learned counsel for the petitioner also relied upon the judgment of this Court in W.A. No. 1615 of 2018 and S.L.P. (Civil) Diary No. 32071 of 2024.

6. Learned counsel for the respondents would submit that those persons who approached the Court at the earlier point of time, they have considered and those persons were all regularised only on the ground that they were in the regular time scale of pay at the time of entry level vacant posts in Class IV (Sanitary Workers) in Greater Chennai Corporation from the date of issue of orders, as a Special case. According to them, these people are all regular workers and the petitioner herein is Non Muster Roll workers, who had been observed in the Corporation of Chennai from the erstwhile Panchayat.



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7. According to the respondents, the writ petitioners were appointed in terms of the Statutory Rules and accordingly, posts were sanctioned in the above writ petition which was filed earlier. Whereas the petitioner herein is not appointed as per Rules or due procedure. In the case of ***Tamil Nadu Municipal Water Supply Department Vs. M. Rani*** in ***W.A.No.47 of 2010***, were regularised post the lift of bar in the year 2006 and their relief for regularisation from the year 2002 was allowed and in the present case, the petitioner was ineligible for regularisation.

8. According to the respondents counsel, the NMRs are not entitled for regularisation as per G.O.Ms.No.67. Further, they would submit that the proposal sent by the Department officials who were employed on daily wages or temporarily or on contractual basis was rejected on the ground that they cannot claim the right to be absorbed in regular service as a right and also he would submit that only those people who are entitled to be considered for absorption on regular time scale on regular basis were on the basis of the performance assessment and or on completion of three year term found satisfactorily were alone entitled to be regularised. These petitioners were not entitled to be considered, it was not noticed later after the order came to be passed, was the claim made by the respondents before the review Court. The review Court has rejected the same.



9. Further, the learned counsel for the respondents would submit that, based on the findings in *Rani's* case, as stated supra, the respondents therein were appointed through the employment exchange and the selection as done as per the prevailing system only by drawing the names from employment exchange and considered by the selection committee and in the present case the petitioner has not come through employment exchange. Hence, he could not be considered.

10. Learned counsel for the respondents would contend that the petitioner attained the age of superannuation on 31.08.2019. Further respondents counsel contends that the petitioner is approaching this Court belatedly and which cannot be considered at this juncture, as he is retired.

11. On going through the documents and the typed set of papers, it is seen from the letter dated 03.01.2018 that after passing the Resolution by the authorities in No.002/18 Chennai Corporation was extended and Kottivakkam Panchayat has been merged with it. The petitioner's name finds in Sl.No.282 and joining date for the said post was on 01.11.1996. According to them, the petitioner also ought to have been considered and from 1996 he has been working continuously. The same was not considered by the authorities concerned. Whether these persons have worked after the extension of the said Chennai Corporation to the Greater Chennai Corporation



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and the Kottivakkam Panchayat was merged with the authorities, from that date, consequently three years the petitioner has worked. The same was ought to have been considered by the respondents and they cannot deny the said particulars stating that they are all only a Non Muster Roll employees. If at all they are Non Muster Roll employees, after working for so many years from 1996, now they cannot state that they were not selected through employment exchange, as sanitary workers.

12. Hence, in view of the aforesaid facts, this Court directs the respondents to consider the case of the petitioner and pass appropriate orders on the basis of the judgment rendered in W.A. No. 1615 of 2018, within a period of twelve weeks from the date of receipt of copy of this order.

13. The Writ Petition is disposed of with the above direction. No costs.

**25.02.2025**

Index :Yes/No

Neutral Citation :Yes/No

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**V.BHAVANI SUBBAROYAN, J.**

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To

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