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W.P.No.12931 of 2025 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.12931 to 12942, 13017, 13019, 13023,
13025 to 13028, 13030, 13031, 13034, 13036, 13040,
13042, 13045, 13046 & 13048 of 2025

and

W.M.P.Nos.14461 to 14472, 14525, 14526, 14527,
14530, 14533 to 14535, 14541, 14537, 14542,
14543, 14548, 14550, 14553 & 14556 of 2025

W.P.No.12931 of 2025 :-

S.Arumugam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government.
Municipal Administration & Water
Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Commissioner of Municipal Administration,
Santhome, Chennai – 600 028.

3. The Commissioner,
Salem Municipal Corporation,
Salem – 636 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the third respondent in



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Na.Ka.C4/9570/2020 dated 09.01.2023 and to quash the same and consequently directing the respondents to pass orders for bringing the petitioner into regular establishment with time scale of pay in the post of Sanitary Worker in the third respondent corporation on par with other similarly placed persons regularized as per G.O.Ms.No.71 MAWS Department dated 05.05.1998 with all consequential and other attendant benefits, within a time frame to be fixed by this Court may deem fit and proper in the facts and circumstances of the case.

In all W.Ps.

For Petitioner	: Mr.G.Sankaran, Senior Counsel For Mr.S.Nedunchzhian
For Respondents	
For R1 & R2	: Mr.C.Selvaraj Additional Government Pleader
For R3	: Mrs.N.Devi Standing Counsel

COMMON ORDER

These writ petitions have been filed challenging the order passed by the third respondent dated 09.01.2023 thereby rejecting the request made by the petitioner seeking appointment/regularization with time scale of pay in the post of Sanitary Worker under the third respondent corporation.

2. The petitioners were engaged as substituted Sanitary



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Workers by the third respondent between the year 1988 to 1993, on daily wages basis. While being so, the government passed order in G.O.Ms.No.101 MAWS Department dated 30.04.1997 thereby revising norms issued for fixation of strength of sanitary workers in the municipal corporation and to fill up the additionally created posts on consolidate pay of Rs.3000/- per month. Therefore, the existing substitute Sanitary Workers made objection against the said Government Order. Thereafter, the government passed another order in G.O.Ms.No.71 MAWS Department dated 05.05.1998 thereby directing to regulate the Sanitary Workers employed prior to G.O.Ms.No.101 dated 30.04.1997 with regular time scale of pay including the appointment on compassionate grounds for the deceased employees. Accordingly, 663 substitute Sanitary Workers were brought into regular establishment with time scale of pay except 52 substitute Sanitary Workers including the petitioners herein.

3. Subsequently, the Government passed another order in G.O.Ms.No.125 dated 25.05.1999 to bring the daily wages employees into regular time scale of pay. Whereas, due to ban imposed by the State government against direct recruitment, it was not carried out. After lifting



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the ban in the year 2006, the government issued another government order in G.O.Ms.No.21 dated 23.02.2006 for regularization of service in the local bodies. However, the requests made by the petitioners were rejected for the reason that the petitioners failed to attend the interview conducted for regularization of their service. It was challenged before this Court and this Court directed the petitioners to submit a fresh representation with all required documents. Accordingly, the petitioners appeared for enquiry and submitted documents. However, once again the requests made by the petitioners were rejected. Hence, the petitioners filed the present Writ Petitions.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. It was represented before this Court that as against the rejection of the request made by the petitioners, they filed review and it was pending on the file of the third respondent. Therefore, this Court directed the third respondent to consider the claim made by the petitioners in review on merits and in accordance with law. As directed by this Court, the third respondent considered the petitioners' requests



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and rejected the claim of the petitioners on the ground that the petitioners categorically admitted that they had produced false documents at the time of appointment and they did not work as sanitary workers.

6. The learned Senior Counsel appearing for the petitioner in all the writ petitions contended that the petitioners never stated that they themselves produced fake documents to get appointment. Further they are continuously working as sanitary workers. Therefore, he prayed to reconsider the request made by the petitioners once again, after giving an opportunity.

7. In view of the above submissions, the matter is remanded back to the third respondent for fresh consideration. It is made clear that the third respondent is directed to fix a date for enquiry and during the enquiry, the petitioner shall produce all the relevant documents such as, their appointment order, proof for continuous employment as Sanitary Workers before the third respondent within a period of four weeks from the date of receipt of a copy of this Order. On receipt of the same, the third respondent is directed to pass orders on merits and in accordance with law within a period of twelve weeks thereafter. It is made clear that



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mere remanding the matters back to the third respondent would not amount to that the petitioners are entitled to be given employment/regularization with time scale of pay.

7. Accordingly, all the Writ Petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

03.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Note:- Registry is directed to incorporate Cause title for all the cases and issue order copy.

rts



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