



WEB COPY

CONT P No. 1670 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CONT P No. 1670 of 2025

1.V.Sivakumar

2.K.Elumalai

3.M.Rajasekar

4.P.Jayaprakas

5.R.Boopathi

6.S.Elango

7.P.S.Sasikumar

8.B.Kumar

9.Boopathy Dharmendra

10.S.Ravi

11.R.Ravivarman

12.S.Santhanakumar

13.P.Raja



14.K.R.Sivakumar

15.S.Edwin Rose

16.M.Venkatesan

17.B.Rajendran

18.R.Krishnamurthy

19.P.Ramesh

20.G.Suresh

21.V.C.Gajendiran

22.S.Sivashanmugam

23.D.Mageswaran

24.N.Kumar

25.C.Kannan

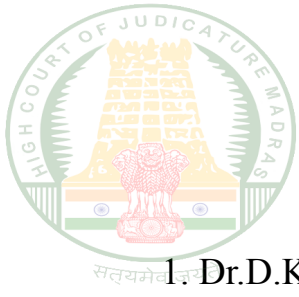
26.C.Ruban

27.T.Suresh

28.M.Krishnamurthy

29.N.Rajkumar

Petitioner(s)



Vs

1. Dr.D.Karthikeyan, I.A.S.,

WEB COPY The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 600 009.

2.Thiru J.Kumaragurubaran, I.A.S.,
The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

3.Mrs.Umamaheswari
The Assistant Commissioner,
(General Administration and Personnel),
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.

Contemnor(s)

PRAYER

To punish the Respondents for contempt of the order of this Court passed in W.P.No.22280 of 2024 dated 08.08.2024.

For Petitioner(s): Ms.Karthikaa Ashok

For Respondent: Mr.C.Selvaraj
Additional Government Pleader for R1
Mr.D.B.R.Prabhu
Standing Counsel for R2&3



ORDER

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The contempt petition has been filed to punish the Respondents for contempt of the order of this Court passed in W.P.No.22280 of 2024 dated 08.08.2024.

2. An affidavit has been filed by the 2nd respondent. This Court has carefully gone through the affidavit filed by the 2nd respondent and heard the learned counsel for the petitioner and the learned Additional Advocate General appearing on behalf of the respondents.

3. The relevant portions in the affidavit are extracted hereunder,

4. It is respectfully submitted that the petitioners were appointed by way of resolution No.228/2001 issued by the Special Officer. The petitioners were appointed duly on daily wage posts and they were allowed to continue to perform their duties and responsibilities for about 99 days and thereafter by following the due procedures regular breaks were given, in order to continue a daily wages employee. The Government issued G.O.No.125 dated 27.05.1999, taking a decision to regularize the service of the daily wages employed and make them permanent employees. Accordingly, the Corporation was directed to prepare the list, containing the particulars of individual employees. The respondent prepared the seniority list and sent to the Government. The Government have also issued G.O.Ms.No.20, granting regularization in respect of



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the persons employed in the department of Malaria, Road, Water drainage Department with effect from 23.02.2006.

5. It is respectfully submitted that based on the order, the respondent Chennai Corporation has issued an order in proceedings dated 23.02.2006. Accordingly, 912 daily wage employees were regularized in sanctioned post and brought under the regular establishment. The petitioners were recruited on daily wages for the work under Chennai Corporation. The petitioners were recruited for the need of work under Chennai Corporation, Hence there was no Government Order between 1993 to 26.05.1999 to regularize the period for permanent work.

6. It is respectfully submitted that the G.O.(Ms.)No. 125, Municipal Administration & Water Supplies (MCIII) Dept, dated 27.05.1999 called for the particulars of persons, who were working before 04.05.1999. This Government Order at no point of time mentions about the regularization of services of the petitioner from 27.05.1999. Hence, there is no need to regularize their services front 27.05.1999 and hence the petition is devoid of merits.

7. It is respectfully submitted that the Government directed the Corporation to enlist the eligible persons who were working continuously before 04.05.1999 and further directed this Corporation to submit the said list of particulars of the eligible persons to the Government on or before 31-10-1999. Immediately after the approval of the



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above Government Order this Respondent had started acting on the enlistment of the eligible persons and to that effect the resolution was also passed by the Council vide its resolution No.228/2001 dated 04.04.2001 but due to the general elections held in the year 2001, the implementation of G.O.Ms. No. 125 was delayed which is neither wilful nor wanton and even then it is the time frame fixed by the Government to forward the enlisted particulars on or before 31.10.1999.

8. It is respectfully submitted that as per G.O. No.125 Municipal Administration & Water Supply Department on 27.05.1999, preparation of a list of 912 daily wage workers in Chennai Corporation was carried out. In the meantime, the G.O.Ms.No.212. PERSONNEL & ADMINISTRATIVE REFORMS (P) DEPARTMENT dated 29.11.2001 has been issued as follows;

"The Government has decided to effect economy in expenditure and accordingly direct that filling up vacant posts shall be completely banned except certain categories of posts such as Teachers, Doctors and Police Constabulary which may be identified and declared as essential posts Proposals for filling vacant posts considered essential by any Department will be placed before Committee consisting of Chief Secretary, Finance Secretary and Secretary (Personnel & Administrative Reforms)"



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9. *It is respectfully submitted that thereafter the above G.O.212 was repeated and G.O. 14., PERSONNEL & ADMINISTRATIVE REFORMS (P) DEPARTMENT dated 07.02.2006 was passed. It is reported that there was no delay as claimed by the petitioners. According to G.O.125, dated. 27.05.1999 to regularize the service of the petitioner the administration was processing the genuineness of 912 workers the process of which has taken long time. Subsequent to this, the ban period was implemented from the year of 2001 to 2006 for all kinds of recruitment. Hence the daily wages workers were brought under the permanent role after the year 2006.*

10. *It is respectfully submitted that in Chennai Corporation all appointments and other service matters related with establishment is being done only as per the Government Orders and Government directions. Accordingly, the petitioners were also regularised as per the G.O.(Ms) No.20, Municipal Administration & Water Supplies (MC III) Department dated 23.02.2006 which clearly states that their service have to be regularized from the date of issue of G.O. i.e from 23.02.2006.*

11. *It is respectfully submitted that as per orders of the Hon'ble High Court dated 08.08.2024 in W.P.No.22280 of 2024, the representation of petitioner has been considered and necessary reply has been sent to the petitioner vide G.D.C.No.E11/026738/2024, dated 08.04.2025.*

12. *It is respectfully submitted that in the*



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similar cases the & 27 others (2) petitioners (1) Thiru. E.Jayaraman Thiru.D.Kanniappan & 10 others (3) Thiru.S.Eswaran & 12 others and (4) Thiru.N.Kanniappan & Thiru.K.Madurai have filed the Writ petitions W.P.No.14898 of 2024, W.P.No.24341 of 2013, W.P.NO.24343 of 2013 and W.P.No.4229 of 2025 respectively in Hon'ble High Court to quash the orders passed by the respondent (GCC) vide Po. Thu. Na.Ka. No. E11/26214/2003, dated 23.02.2006 and regularise their service from the year 2000 and monetary benefits. The respondent (GCC) has filed the counter affidavits for above four cases dated 07.08.2024, 22.08.2014, 22.08.2014 & 27.06.2025 respectively.

13. It is respectfully submitted that there is no delay by the Chennai Corporation for implementation of Government Order, since the petitioners services were regularized with effect from 23.02.2006 as per the G.O and from the date of G.O. issued, hence there is no delay. The petitioners claim that they should be regularized with effect from 27.05.1999 is not maintainable, since the G.O. (Ms) No. 125, Municipal Administration & Water Supplies (MCII) Department, dated 27.05.1999 did not order for the regularization of temporary employees. It had only called for particulars of temporary employees to regularize them and such regularization Government order (G.O.(Ms) No.20, Municipal Administration & Water Supplies (MC III) Department dated 23.02.2006) was issued only on 23.02.2006. Accordingly, 912 daily wage employees (including the petitioners (1) Thiru. V. Sivakumar & 28 others (2) Thiru.E.Jayaraman & 27 others (3) Thiru. D.Kanniappan & 10 others (4)



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Thiru.S. Eswaran & 12 others and (5) Thiru. N.Kanniappan && Thiru.K.Madurai respectively) were regularized in sanctioned post and brought under the regular establishment vide proceedings of the Commissioner, Po.Thu. Na.Ka.No. E11/26214/2003, dated 23.02.2006

14. It is respectfully submitted that the delay caused due to the unavoidable reasons had been condoned and thus the Government has passed an order vide G.O.Ms.No.20 dated 23.02.2006 considering the communication sent by the Corporation vide Letter No.A1/2785/1999 dated 16.01.2006 where it was categorically returned that the persons appointed as per G.O.Ms.No. 125 could not be eligible for any Benefits prior to the date of regularization. Accordingly, the Government have accepted the proposal of the Commissioner and directed the Corporation to appoint 912 daily wagers on their role as on 04.05.1999 in the vacant posts and to regularize their services in the regular establishment from the date of issue of order i.e. on 23-02-2006. Therefore, as per G.O.Ms. No.20 an order was issued regularizing the 912 daily wage workers where it had been specifically stated that the regularized persons have no right or claim for the days prior to the date of regularized appointments.

15. It is respectfully submitted that as stated above from the date of the approval this Corporation has taken effective steps to enlist daily wage workers but for the reasons of multiple litigations filed by the union, bogus claim, unauthorized entry etc., this Corporation had consumed a sufficient time to enlist



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and ensure that eligible persons are being recommended for regularization and as such the right person had been enlisted and regularized. The relief claimed by the petitioner deserves no consideration, where their service was regularized in the view of G.O.Ms.No.20 dated 23.02.2006 by the order of the Government. The claim of the Petitioner is not maintainable. Since, the G.O.Ms.No. 125 had only called for the list to regularize the temporary labourers. Based on the order of the Government in G.O.Ms.No.20 dated 23.02.2006 the service of the members of the Petitioner were regularized.”

4. The petitioners are understanding G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999 in a particular manner and the respondents are having a different interpretation for the said Government order. The said issue cannot be gone into in this contempt petition. It is left open to the petitioner to challenge the same in the manner known to law. Except giving this liberty, no further orders can be passed.

5. Accordingly, the contempt petition is closed. No costs.

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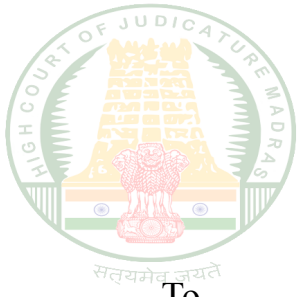
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1.Mr. S.Santhakumar,
The District Revenue Officer, Erode
District, Collectorate Complex, State
Highway 96, Opp. District Court,
Pallapalayam, Erode District-638001



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N.ANAND VENKATESH J.

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