



WEB COPY



W.A.No.1241 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1241 of 2025

and

C.M.P.No.9422 of 2025

1.The Superintending Engineer,
Mechanical Engineering Department,
Greater Chennai City Corporation,
Chennai - 600 003.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

... Appellants

Vs.

N.Kathiravan

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 20.09.2024 made in W.P.No.5517 of 2023 and allow this writ appeal.

For Appellants

: Mr.S.Gopinathan



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The facts disclose expose the reclariant attitude of the men in-charge of the administration of the Greater Chennai Corporation.

2. The respondent who was working as a temporary driver between 15.12.1993 and 29.11.1999 was forced to be absent from duty since he was implicated in a criminal case. Subsequently, the criminal case ended in acquittal. Thereafter, the respondent approached the I Additional Labour Court in I.D.No.477 of 2004. The labour Court passed an award directing re-employment as a new entrant from the date of the award. The award was not implemented.

3. However, the respondent challenged the award in W.P.No.15863 of 2011. The learned Single Judge of this Court by order dated 11.10.2012 dismissed the writ petition with a direction to comply with the award within four weeks from the date of production of the order copy. The respondent filed an appeal in W.A.No.678 of 2013 challenging the order of the learned Single Judge dated 11.10.2012 made in W.P.No.15863 of 2011.

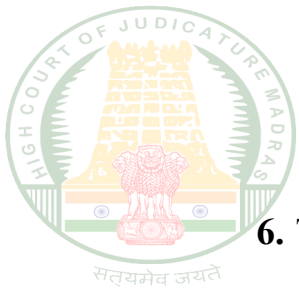


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4. Before the appellate Bench it was contended that the appellant therein / respondent herein was not qualified to be appointed as a driver. The said contention was specifically rejected and the Division Bench directed the award to be implemented. However, the Corporation again rejected the claim of the respondent for re-employment as per the award of the Tribunal. A contempt petition was filed. The Division Bench closed the contempt petition giving liberty to the respondent herein to challenge the order passed rejecting his request for employment. That order dated 24.08.2021 was again subject matter of challenge in W.P.No.26219 of 2021.

5. This Court held that the Corporation cannot raise the issue of educational qualification and quashed the order dated 24.08.2021. This Court directed the Corporation to pass orders afresh on merits. Pursuant to the said direction, the Corporation again rejected the claim of the respondent and refused to regularize his services from the year 2009. It was this order which was subject matter of challenge before the learned Single Judge in W.P.No.5517 of 2023.



6. The learned Single Judge taking note of the observations of the orders passed by this Court in the earlier proceedings found that the action of the Corporation in denying the benefit of regularization runs counter to the pronouncements of this Court in the earlier proceedings between the same parties. The writ Court in para 10 of the judgment under appeal has observed as follows:-

10. The above judgment passed by the Division Bench was not complied with and the petitioner's claim was initially rejected on the ground that he did not possess the necessary educational qualification. This Court interfered with the said order in W.P.No.26219 of 2021 vide order dated 13.12.2021. The matter was remanded to the file of the first respondent only to enable the first respondent to pass fresh orders regularising the services of the petitioner. However, the first respondent found out some other ground by relying upon an irrelevant order and once again denied the petitioner's request for regularisation. The order dated 08.06.2022 passed by the first respondent is totally unsustainable and hence, the same is quashed.

7. The fact that the earlier orders have become final is not in dispute and the Corporation is bound to comply with the earlier orders of this Court. We



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therefore do not see any reason to interfere with the directions issued by the learned Single Judge.

8. The writ Appeal fails and it is accordingly **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
21.04.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

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