



W.P.Nos.1275, 1277 & 1279 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

CORAM
THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.Nos.1275, 1277 & 1279 of 2024

W.P.No.1275 of 2024:

P.Lakshmanan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Municipal Administration,
75, Santhome High Road,
7th & 8th Floor, Raja Annamalaipuram,
Chennai – 600 028.

3.The Commissioner,
Salem City Municipal Corporation,
Salem.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to bring
the petitioner in to time scale of pay on completion of one year of service

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on consolidated pay of Rs.2000/- in the sanctioned post of unskilled employee as per proceeding dated 15.05.2000 issued by the third respondent which was passed in accordance with G.O.Ms.No.125, MAWS Department dated 27.05.1999 and consequently direct the respondents to settle the retirement benefits and pay monthly pension under old pension scheme to the petitioner at the time of retirement on 31.05.2023.

W.P.No.1277 of 2024:

R.Vadivelu

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. By its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
75, Santhome High Road,
7th & 8th Floor, Raja Annamalaipuram,
Chennai – 600 028.
- 3.The Commissioner,
Salem City Municipal Corporation,
Salem.
- 4.The Assistant Commissioner,
Salem City Municipal Corporation, Salem.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Certiorarified Mandamus calling for the impugned order passed by the fourth respondent in his proceeding Na.Ka.No.K2/6523/2023 dated 14.11.2023 and quash the same and consequently direct the respondents to bring the petitioner in to time scale of pay on completion of one year on consolidated pay of Rs.2000/- in the sanctioned post of unskilled employee as per proceeding dated 15.05.2000 issued by the 3rd respondent which was passed in accordance with G.O.Ms.No.125, MAWS Department dated 27.05.1999 and consequently direct the respondents to settle the retirement benefits and pay monthly pension under old pension scheme to the petitioner with effect from 01.08.2021 with all arrears and monetary benefits.

W.P.No.1279 of 2024:

P.Manisekar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. By its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
75, Santhome High Road,
7th & 8th Floor, Raja Annamalaipuram,
Chennai – 600 028.
- 3.The Commissioner,
Salem City Municipal Corporation,
Salem.



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4.The Assistant Commissioner,
Salem City Municipal Corporation, Salem.

... Respondents

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Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned orders passed by the fourth respondent in his proceeding Na.Ka.No.K2/4486/2021 dated 10.12.2021 and his proceeding Na.Ka.N.K2/6522/2023 dated 14.11.2023 quash the same and consequently direct the respondents to bring the petitioner in to time scale of pay on completion of one year on consolidated pay of Rs.2000/- in the sanctioned post of unskilled employee as per proceeding dated 15.05.2000 issued by the 3rd respondent which was passed in accordance with G.O.Ms.No.125, MAWS Department dated 27.05.1999 and consequently direct the respondents to settle the retirement benefits and pay monthly pension under old pension scheme to the petitioner with effect from 01.05.2018 with all arrears and monetary benefits.

For Petitioner : Mr.K.Raja
in all W.Ps.,

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader
for R1 in W.P.Nos.1277 & 1279
of 2024 and R1 & R2 in W.P.No.1275
of 2024
: Mr.Haja Nazirudeen,
Additional Advocate General
Assisted by,
M/s.N.Devi,
Standing Counsel



W.P.Nos.1275, 1277 & 1279 of 2024
for R2 & R3 in W.P.Nos.1277 & 1279
of 2024 and R3 in W.P.No.1275
of 2024

COMMON ORDER

Since the issue arises in these writ petitions are one and the same, these cases are disposed of by way of common order.

2. Learned counsel for the petitioner would submit that the petitioner in W.P.No.1275 of 2024 has entered into service as unskilled worker on 05.04.1988 in the engineering section on daily wage basis in the Salem Corporation. As per G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 27.05.1999, based on the seniority, employees working on daily wage basis in the Engineering Section are to be brought into consolidated pay in the sanctioned post for a sum of Rs.2,000/- p.m. for a period of one year and after one year, they should be brought into time scale of pay. Accordingly, the petitioner was appointed on consolidated pay as unskilled employee on 15.05.2000 and brought into time scale of pay only with effect from 23.02.2006. The grievance of the petitioner is that he is



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entitled to be brought into time scale of pay with effect from 19.05.2001

instead of 23.02.2006, after completion of one year. However, the same

was not considered. Hence, the writ petition in W.P.No.1275 of 2004.

instead from 19.05.2001. on 23.02.2006.

3. Learned counsel for the petitioner would submit that the petitioners in W.P.Nos.1277 & 1279 of 2024 entered into service as unskilled workers on 02.08.1988 & 05.10.1990, respectively, in the engineering section on daily wage basis in the Salem Corporation. As per G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999, based on the seniority, employees working on daily wage basis in Engineering Section, to be brought into consolidated pay in the sanctioned post for a sum of Rs.2,000/- p.m. for a period of one year and after one year, they should be brought into time scale of pay. Accordingly, the petitioners were appointed on consolidated pay as un-skilled employee on 15.05.2000 and brought into time scale of pay only with effect from 23.02.2006 & 24.05.2003 respectively. The grievance of the petitioners is that they are entitled to be brought into time scale of pay with effect from 16.05.2001, after completion of one



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year. However, the same was not considered. In this regard, they made a representations before the fourth respondent and the same was rejected vide proceedings dated 10.12.2021 & 14.11.2023. Challenging the said proceedings, the petitioners have filed these writ petitions.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The Hon'ble Full Bench of this Court in the case of **Secretary to Government, Municipal Administration and Water Supply Department Vs., V.Marisamy [2017 (3) CTC 673]**, rejected the claim of the employees for retrospective regularisation. However, the Full Bench in Review petition allowed the claim of the employees for retrospective regularisation. It is brought to the notice of this Court that the said judgment of the Full bench in Review petition was taken by way of an appeal before the Hon'ble Supreme Court of India in SLP.No.21935 of 2017, dated 15.09.2017 and an interim stay as granted. The said appeal is pending before the Apex Court. In view of the interim stay granted by the Hon'ble Supreme Court of India, the benefit of the



order passed by the Full bench in Review Petition cannot be extended to the writ petitioners.

6. Under these circumstances, if at all the benefits are extended by the Hon'ble Supreme Court of India in the pending appeal, it is for the respective petitioner to approach the Competent Authorities thereafter. Thus, it is made clear that the relief as such sought for in these writ petitions, cannot be granted as the issues are subjudice before the Hon'ble Supreme Court of India. The respective petitioner is at liberty to approach the authorities by way of representation, after disposal of the appeal by the Hon'ble Supreme Court of India.

7. With the aforesaid observation, these writ petitions stands disposed of. No costs.

03.12.2025

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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M.DHANDAPANI.J,

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