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W.P.No.46492 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM:

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

W.P.No.46492 of 2025

M.Raja

...Petitioner

-Vs-

- 1.The Secretary to Government
Municipal Administration and Water
Supply Department,
Chennai-9.
- 2.The Director of Municipal Administration,
M.R.C.Nagar, Chennai-28.
3. The Commissioner,
Arakkonam Municipality, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the representation dated 22.11.2022 submitted for bringing the petitioner into regular time scale of pay from the date of completion of the one year of service in the consolidated pay I.e.(1.6.1999) as the under the category mentioned in Para 3(i) of G.O.Ms.No.71, Municipal Administration and Water Supply Department dated 5.5.1998 with all service and monetary benefits and in the light of orders of this court passed in W.P.No.34416 of 2012 dated 04.09.2023 and W.P.No.9175 of 2013 dated 17.8.2020.



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For Petitioner : Mr.A.Baskaran

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

The writ petition has been filed for a direction to the respondents to consider and pass orders on the representation dated 22.11.2022 submitted for bringing the petitioner into regular time scale of pay from the date of completion of the one year of service in the consolidated pay i.e.(1.6.1999) as the under the category mentioned in Para 3(i) of G.O.Ms.No.71, Municipal Administration and Water Supply Department dated 5.5.1998 with all service and monetary benefits and in the light of orders of this court passed in W.P.No.34416 of 2012 dated 04.09.2023 and W.P.No.9175 of 2013 dated 17.8.2020.

2. The petitioner was initially appointed as Substitute Sanitary Worker in the year 1984 on daily wages. On completion of 10 years of service, he was appointed as Sanitary Worker on 01.06.1998. While being so, the Government of Tamil Nadu in G.O.Ms.No.71, Municipal Administration and Water Supply Department dated 05.05.1998 formulated a scheme for appointing Substitute Sanitary workers who



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served for more than 10 years from the date of initial appointment on time scale of pay after one year on assessment of their performance.

However, the third respondent by the impugned order regularized the service of the petitioner with effect from 01.06.1998. Hence, the petitioner filed the present writ petition with the above said prayer.

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

4. In similar matter, the Coonoor Municipality Workers Welfare Association filed a writ petition before this Court in W.P.No.18440 of 1998 for direction directing the respondents to absorb and regularize the services of all the NMR workers. This Court by an order dated 23.07.2001, directed the Municipality to consider their request in accordance with G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 27.05.1999.

5. As per the subsequent government order in G.O.Ms.No.21, Municipal Administration and Water Supply Department, dated 23.02.2006, the regularization of the service should take effect only from the date of G.O and not from the date on which they had completed three



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years of service from the date of their initial appointment. But, the Association claims that the service ought to have been regularized from the period of completion of three years from the date of original appointment, as per the Judgment passed by this Court in Rev.Aplc.(MD).No.87 of 2014 in W.A.(MD).No.729 of 2013 and batch, dated 30.05.2017.

6. It is also seen that the Hon'ble Full Bench of this Court by an order dated 30.05.2017 in Rev.Aplc.(MD).No.87 of 2014 in W.A.(MD).No.729 of 2013 and batch, in the matter of challenging the G.O.Ms.No.101 dated 30.04.1997 and G.O.Ms.No.71 dated 05.05.1998, held as follows:-

“ 29. In the result, Rev.Aplc.No.87 of 2014 is dismissed and Rev.Appl.Nos.223 and 254 of 2015 are allowed on the following terms:

(a) Persons employed as Sanitary Workers and covered by G.O.Ms.No.101 dated 30.04.1997 and G.O.Ms.No.71 dated 05.05.1998 are entitled to be regularized after the completion of the respective period under Consolidated Pay as specified in the Government Orders from the date of their initial appointment.

(b) Any orders passed by any Municipality regularizing the service based on G.O.Ms.No.21 dated 23.02.2006, Full Bench Judgment dated 29.11.2013 and



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G.O.Ms.No.166, dated 31.12.2014 shall be recalled and appropriate orders shall be passed as held above.”

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7. Accordingly, those who were regularized as per G.O.Ms.No.21 dated 23.02.2006 shall be recalled and appropriate orders shall be passed. However, aggrieved by the above order, the respondents filed appeals before the Hon'ble Supreme Court of India and the same is pending in S.L.P (Civil).Nos.19874 and 21249 of 2017 and also they obtained an interim order of stay.

8. Considering the above facts and circumstances, the respondents are directed to consider the case of the petitioner subject to the result of the S.L.P (Civil).Nos.19874 and 21249 of 2017.

9. With the above directions, this Writ petition is disposed of.
There shall be no order as to cost.

28.11.2025

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mrn



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To

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Municipal Administration and Water
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3. The Commissioner,
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G.K.ILANTHIRAIYAN. J,

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