



W.P.(MD)No.18281 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18281 of 2025

P.Kumar

... Petitioner

-VS-

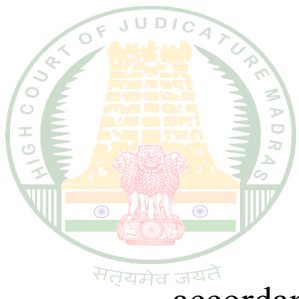
1.The State of Tamil Nadu,
Represented by the Secretary,
The Department of Municipal Administration and Water Supply,
Secretariat,
Chennai – 9.

2.The Commissioner of Municipal Administration,
Office of the Commissioner of Municipal Administration,
Chepauk,
Chennai - 5.

3.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 to disburse the monetary benefits by way of refixing the pay of the petitioner in the post of Sweeper / Sanitary Worker with effect from 02.07.2001 with all consequential benefits in



W.P.(MD)No.18281 of 2025

accordance with the order passed by this Court in W.P.(MD)No.5302 of 2017, dated 19.06.2017, within the time period stipulated by this Court.

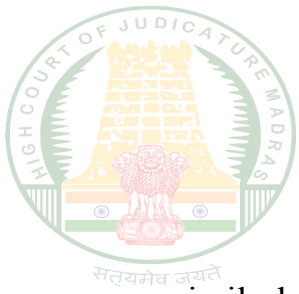
For Petitioner : Mr.T.Aswin Rajasimman
For R1 and R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to disburse the monetary benefits by refixing the pay of the petitioner in the post of Sweeper/Sanitary Worker with effect from 02.07.2001, along with all consequential benefits, in accordance with the order passed by this Court in W.P. (MD)No.5302 of 2017, dated 19.06.2017, within a time frame to be stipulated by this Court.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, he was appointed as a 'Sweeper' on 03.07.1998. As per G.O.Ms.No.101, Municipal Administration and Water Supply Department, dated 30.04.1997, the petitioner became entitled to regularization upon completion of three years of service. However, the petitioner, along with



W.P.(MD)No.18281 of 2025

similarly placed employees, was belatedly brought into regular time scale only by order dated 16.03.2006. While other similarly situated employees challenged the delay in W.P.(MD)Nos.2183 to 2196 of 2011 and obtained favourable orders, which were later modified in W.A.(MD)Nos.461 to 474 of 2013, directing regularization from the date of completion of three years, the petitioner's request for similar relief was rejected vide order dated 10.11.2014.

4. Aggrieved by the rejection, the petitioner filed W.P.(MD)No.5302 of 2017, which was allowed, directing regularization from the date of completion of three years of service, *i.e.*, from 02.07.2001. Although the petitioner is now working as Sanitary Supervisor after promotion, the respondents have failed to grant the consequential monetary benefits, including refixation of pay and arrears. Despite the third respondent sending a proposal dated 21.07.2017 to the second respondent, no action has been taken. The petitioner, along with similarly placed employees, also submitted a representation on 04.03.2023. However, no action has been taken till date. As the respondents have failed to implement the judgment and extend the monetary and service benefits, the present Writ Petition has been filed seeking necessary directions.



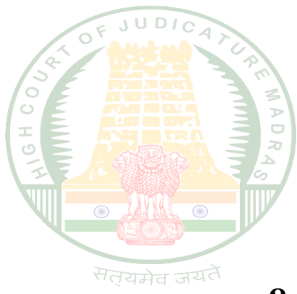
W.P.(MD)No.18281 of 2025

WEB COPY

5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the second respondent to consider the proposal submitted by the third respondent, dated 21.07.2017, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



W.P.(MD)No.18281 of 2025

WEB COPY

8. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

07.07.2025

Index : Yes / No

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To:-

- 1.The Secretary,
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W.P.(MD)No.18281 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.18281 of 2025

07.07.2025