



W.A.(MD)No.774 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.774 of 2020
and
C.M.P.(MD)No.4411 of 2020**

The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

... Appellant

Vs.

- 1.Nagarajan (Died)
- 2.The State of Tamilnadu,
Rep.by the Secretary,
The Department of Municipal Administration
and Water Supply,
Secretariat, Chennai.
- 3.The Commissioner of Municipal Administration,
Chepauk, Chennai-5.
- 4.Eluvakkal
- 5.Saravana Kannan
- 6.Yoga Lakshmi
- 7.Bhakkia Raj



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8.Vasantharaj

... Respondents

(R4 to R8 are suo motu impleaded as LRs of the deceased 1st respondent vide order dated 12.08.2025 in W.A.(MD)No.774 of 2020 by GRSJ & KRSJ)

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.12741 of 2017 dated 17.07.2017 on the file of this Court.

For Appellant : Mr.K.Saravanan

For Respondents : Mr.S.Shaji Bino,
Spl. Government Pleader for R2 & R3.
Mr.S.Jeya Karthik for R4 & R7

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The Commissioner of Paramakudi Municipality has filed this intra-court appeal challenging the order dated 17.07.2017 made in W.P.(MD)No.12741 of 2017.

3.The writ petitioner was appointed as Sanitary Worker in Paramakudi Municipality on 03.07.1998. His services were regularized



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with effect from 16.03.2006. Contending that his services should be regularized in term of G.O.(Ms)No.125 dated 27.05.1999, he filed W.P.(MD)No.12741 of 2017. The learned Single Judge disposed of the writ petition in the following terms:-

“5.The learned counsel for the petitioner submitted that similar writ petitions in W.P. (MD). Nos.1943, 2371 to 2374 and 2183 to 2196 of 2011 filed before this Court seeking a direction to regularize the service on completion of three years of service. He further submitted that in the said writ petitions, this Court directed the respondents to regularize the service from the date of completion of three years from the original date of appointment and thereafter, the said order was modified by the Hon'ble Division Bench of this Court in W.A.(MD).Nos.461 to 474 of 2013 with a direction to the respondents therein to regularize the services of the petitioners on completion of three years of service in terms of G.O(Ms).No.101 Municipal Administration and Water Supply Department dated 30.04.1997. Therefore, the action of the third respondent regularizing the service of the petitioner by proceedings dated 22.11.2013 in Na.Ka.No.141/2011/H1, should be modified.

6.The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that as per the judgment of this Court and on the basis of G.O.Ms.No.125,



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dated 27.05.1999, the services of the sweepers would be regularised on completion of three years of service from the date of appointment and to follow the uniformity.

7.In reply, the learned counsel for the petitioner submitted that when G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999 issued by the Government makes it for their clear that the Sweepers are entitled regularization of their service on completion of three years of service from the date of appointment, the third respondent, Paramakudi Municipality, is bound to follow the said G.O.Ms.No.125, by giving the benefit to all the sweepers by regularizing their service on completion of their three years of service from the date of their appointment. He further submitted that in the present case, the petitioner was appointed by the third respondent on 03.07.1998 and his claim is that he has completed three years of service on 02.07.2001, but, the third respondent has regularized the petitioner's service only from 16.03.2006, by his proceedings in Na.Ka.No.C1/3270/99, which has to be modified on the basis of G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 27.05.1999.

8.In the result, the proceedings of the third respondent in Na.Ka.No.C1/3270/99, dated 16.03.2006 is hereby modified to the extent that the service of the petitioner shall be regularized as per G.O.Ms.No.125, dated 27.05.1999 and pass orders on merits and in accordance with law. The said exercise shall be



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done within period of four weeks from the date of receipt of a copy of order.”

4.The question that calls for consideration is whether the order of the learned Single Judge deserves to be modified.

5.During the pendency of writ appeal, the writ petitioner passed away and his legal heirs have come on record.

6.The learned counsel for the appellants petitioner as well as the learned Special Government Pleader for the government would submit that G.O.(Ms)No.125 does not have any application to the facts on hand.

7.The learned counsel for the appellants submitted that he would be satisfied if this writ appeal is also disposed of on the same lines as that of W.A.(MD)Nos.884 and 885 and 2020.

8.We notice that the writ petitioner herein as well as the writ petitioners in the aforesaid two writ appeals were appointed on the same



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date ie., 03.07.1998. They were also regularized on 16.03.2006. The facts are absolutely identical. We had directed that their services will be regularized with effect from the date on which they completed three years of service in the post.

9. There is no reason to take a different view in this case. We, of course, do not want to go into the issue as whether G.O.(Ms)No125 dated 27.09.1995 is applicable to the case on hand. When the writ petitioner's case is identically placed as that of the writ petitioners in W.A.(MD)Nos.884 and 885 of 2020, the constitutional mandate set out in Article 14 of the Constitution of India demands that we adopt same approach in this case also. In this view of the matter, the order passed by the learned Single Judge is modified and this writ appeal is disposed of on the same lines as that of W.A.(MD)Nos.884 and 885 of 2020. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
08.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:
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- 1.The Secretary,
The Department of Municipal Administration and Water Supply,
Secretariat, Chennai.
- 2.The Commissioner of Municipal Administration,
Office of the Commissioner of
Municipal Administration,
Chepauk, Chennai-5.



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and
R.KALAIMATHI, J.

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