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W.P.Nos.10330, 10137 and 10333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.10330, 10137 and 10333 of 2024

And

W.M.P.Nos.11327, 11183 and 11332 of 2024

T.K.Shankaran	... Petitioner in W.P.10330/2024
K.E.Umapathy	... Petitioner in W.P.10137/2024
C.D.Harikrishnan	... Petitioner in W.P.10333/2024

Vs.

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003. ... Respondents in all the W.Ps.

Prayer in W.P.No.10330 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the certified copy of the first impugned order issued by the first respondent in G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 in so far as it restricts the benefit of regularisation of the promotion of the petitioner to the post



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of Junior Assistant with effect from the date of issuance of G.O.Ms. No.283 Municipal Administration and Water Supply Department dated 17.03.1988 and the second impugned order issued by the second respondent in proceedings Po.Thu.Na.Ka.No.E6/18908/1982 dated 12.10.2006 and the third impugned order issued by the second respondent in proceedings Po.Thu.Na.Ka.No.P8/1058/2011 dated 05.07.2011 in so far as it orders recovery of alleged excess paid pay of Rs.2,93,789/- and to quash these orders and to consequently direct the respondents (i) to regularise the promotion of the petitioner in the post of Junior Assistant with effect from the date of his actual promotion on 26.11.1979 for the purpose of notional fixation of his last drawn pay, (ii) to consequently revise his pension and other pensionary benefits with all consequential service and monetary benefits, and (iii) to repay the recovered amount of Rs.2,93,789/-.

Prayer in W.P.No.10137 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the certified copy of the first impugned order issued by the first respondent in G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 in so far as it restricts the benefit of regularisation of the promotion of the petitioner to the post of Junior Assistant with effect from the date of issuance of G.O.Ms. No.283 Municipal Administration and Water Supply Department dated 17.03.1988 and the second impugned order issued by the second respondent in proceedings Po.Thu.Na.Ka.No.E6/18908/1982 dated 12.10.2006 and the third impugned order issued by the second



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respondent in proceedings Po.Thu.Na.Ka.No.P12/24338/2016 dated 24.08.2016 in so far as it orders recovery of alleged excess paid pay of Rs.1,53,620/- and to quash these orders and to consequently direct the respondents (i) to regularise the promotion of the petitioner in the post of Junior Assistant with effect from the date of his actual promotion on 06.08.1979 for the purpose of notional fixation of his last drawn pay, (ii) to consequently revise his pension and other pensionary benefits with all consequential service and monetary benefits, and (iii) to repay the recovered amount of Rs.1,53,620/-.

Prayer in W.P.No.10333 of 2024:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the certified copy of the first impugned order issued by the first respondent in G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 in so far as it restricts the benefit of regularisation of the promotion of the petitioner to the post of Junior Assistant with effect from the date of issuance of G.O.Ms. No.283 Municipal Administration and Water Supply Department dated 17.03.1988 and the second impugned order issued by the second respondent in proceedings Po.Thu.Na.Ka.No.E6/18908/1982 dated 12.10.2006 and the third impugned order issued by the second respondent in proceedings Po.Thu.Na.Ka.No.P9/20654/10 dated 19.07.2010 in so far as it orders recovery of alleged excess paid pay of Rs.1,45,794/- and to quash these orders and to consequently direct the respondents (i) to regularise the promotion of the petitioner in the post of Junior Assistant with effect from the date of his actual



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promotion on 08.08.1979 for the purpose of notional fixation of his last drawn pay, (ii) to consequently revise his pension and other pensionary benefits with all consequential service and monetary benefits, and (iii) to repay the recovered amount of Rs.1,45,794/-.

For Petitioners : Mr.R.Prem Narayan

For Respondents : Mr.C.Selvaraj for R1
Additional Government Pleader
Ms.P.T.Ramadevi for R2

COMMON ORDER

These writ petitions have been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the certified copy of the order issued by the first respondent in G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 in so far as it restricts the benefit of regularization of the promotion of the petitioners to the post of Junior Assistant with effect from the date of issuance of G.O.Ms.No.283 and the order issued by the second respondent dated 12.10.2006 and the order issued by the second respondent dated 05.07.2011, 24.08.2016 and 19.07.2010 respectively, in so far as it orders recovery of alleged excess paid pay of Rs.2,93,789/-, Rs.1,53,620/- and Rs.1,45,794/- respectively, and to quash them and to consequently direct the



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respondents to regularise the promotion of the petitioners in the post of Junior Assistant with effect from the date of their actual promotion for the purpose of notional fixation of their last drawn pay; to consequently revise their pension and other pensionary benefits with all consequential service and monetary benefits; and to repay the recovered amount of Rs.2,93,789/-, Rs.1,53,620/- and Rs.1,45,794/- respectively.

2.The learned counsel appearing for the petitioners submitted that the petitioner in W.P.No.10330 of 2024 was initially appointed as Time Keeper vide order of the second respondent dated 04.07.1972 on daily wages and he joined the said post on 05.07.1972 and vide order dated 02.12.1978, he was appointed as Time Keeper on regular time scale of pay and he joined the said post on 30.12.1978 and his services were regularized in the post of Time Keeper with effect from 30.12.1978 and was subsequently promoted as Junior Assistant on 26.11.1979 and was further promoted as Assistant on 30.01.2004 and retired from service on 30.09.2009.

3.The learned counsel appearing for the petitioners further submitted that the petitioner in W.P.No.10137 of 2024 was initially



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appointed as Milk Thozhilali/ Watchman on 13.08.1976 and his services were regularized in the said post with effect from 13.08.1976 and was subsequently promoted as Attender on 18.10.1978 and was further promoted as Junior Assistant vide order dated 04.08.1979 and he joined the said post on 06.08.1979 and vide order dated 20.01.1992, was further promoted as Assistant and was further promoted as Section Manager vide order dated 06.09.2006 and retired from service on 30.09.2009.

4.The learned counsel appearing for the petitioners further submitted that the petitioner in W.P.No.10333 of 2024 was initially appointed as Basic Health Worker on 05.04.1973 in regular time scale of pay and his services were regularized with effect from 05.04.1973 and was subsequently promoted as Junior Assistant vide order dated 04.08.1979 and he joined the said post on 08.08.1979 and vide order dated 20.01.1992, was further promoted as Assistant and he joined the said post on 22.01.1992 and was further promoted as Section Manager on 09.09.2006 and retired from service on 30.06.2010.

5.The learned counsel appearing for the petitioners further



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submitted that during the years 1979 – 1982, 108 posts of Junior Assistants were filled up by the second respondent by granting promotions to those working in the lower categories such as Labourers, Peons, Clerical Attenders, Tax Collectors, Field Assistants, Time Keepers etc., and the petitioners were among them and the second respondent sent proposals to the Governments seeking ratification of the promotion of 108 Junior Assistants and the Government issued G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 ratifying the appointment of 108 Junior Assistants including the petitioners. Thereafter, the second respondent vide proceedings dated 12.10.2006 cancelled the regularization granted to 108 Junior Assistants and the alleged excess pay paid was recovered from the petitioners.

6.The learned counsel appearing for the petitioners further submitted that two of the petitioners' colleagues, filed W.P.Nos.23123 and 29383 of 2008 challenging G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 in so far as it restricted the regularization/ ratification of promotion as Junior Assistant with effect from the date of issuance of the said Government Order and this Court vide order dated 27.09.2021 allowed



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the said writ petitions and in order to avail such benefits, the petitioners have filed these petitions.

7.The learned counsel appearing for the second respondent submitted that the petitioners retired from service on 30.09.2009, 30.09.2009 and 30.06.2010 respectively and have filed these writ petitions during the year 2024, after a lapse of 15 years and hence, the writ petitions fail on the ground of delay and laches and further submitted that the settled position cannot be un-settled after a decade.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.During the years 1979 – 1982, 108 posts of Junior Assistants were filled up by the second respondent by granting promotions to those working in the lower categories such as Labourers, Peons, Clerical Attenders, Tax Collectors, Field Assistants, Time Keepers etc., and the petitioners were among them and the second respondent sent proposals to the Governments seeking



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ratification of the promotion of 108 Junior Assistants and the Government issued G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 ratifying the appointment of 108 Junior Assistants including the petitioners. Thereafter, the second respondent vide proceedings dated 12.10.2006 cancelled the regularization granted to 108 Junior Assistants and the alleged excess pay paid was recovered from the petitioners.

10. Similarly situated persons have filed W.P.Nos.23123 and 29383 of 2008, challenging G.O.Ms.No.283 Municipal Administration and Water Supply Department dated 17.03.1988 in so far as it restricted the regularization/ ratification of promotion as Junior Assistant with effect from the date of issuance of the said Government Order and this Court vide order dated 27.09.2021 allowed the said writ petitions and in order to avail such benefits, the petitioners have filed these petitions.

11. The petitioners retired from service on 30.09.2009, 30.09.2009 and 30.06.2010 respectively, however, they have filed these writ petitions during the year 2024, after a lapse of 15 years and hence, the writ petitions have to be dismissed on the ground of delay



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and latches. Further, settled position cannot be un-settled after a decade.

12.The writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

25.02.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 600 009.

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

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M.DHANDAPANI,J.
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