

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2010

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.43977 OF 2006
(O.A.NO.5064 OF 2000)

B.Abdul Rajak Sukarno ... Petitioner

Versus

The Commissioner
Palani Municipality
Palani, Dindigul District. ... Respondent

PRAYER : This Writ Petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.5064 of 2000 from the file of Tamil Nadu Administrative Tribunal with a prayer to direct the respondent to regularise the services of the petitioner with effect from the date of his initial appointment, namely, 01.11.1996 and grant him all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar
For Respondent : Mr.M.Devadoss

O R D E R

The Original Application in O.A.No.5064 of 2000 before the Tamil Nadu Administrative Tribunal is the present writ petition.

2.The petitioner states that he was working as daily rated employee in the respondent Municipality from 01.11.1996. He made a representation dated 21.12.1999 to the respondent seeking regularisation of his services. However, there was no response from the respondent. Hence, he has come up with the present writ petition seeking for a direction to the respondent to regularise his services with effect from the date of his initial appointment.

3.Heard Mr.P.Manoj Kumar, learned counsel for the petitioner and Mr.M.Devadoss, learned counsel for the respondent and also perused the entire materials available on record.

4.This Court, in a batch of writ petitions in W.P.Nos.27705, 33011, 33017, 33022 to 33030, 33300, 35577 and 38514

of 2006, concerning regularisation of NMRs', passed an order dated 13.03.2007, in the following terms.

"5.By a spate of orders passed right from the year 1981 upto 2006, the State Government appears to have adopted a uniform policy of regularisation of the services of persons engaged in the Nominal Muster Roll, after they had completed a specified number of years of service. In so far as persons engaged in the Nominal Muster Roll in Highways and Rural Works Department are concerned, the Government has passed the following orders:-

- i) G.O.Ms.No.223, Transport Department, dated 5.4.1978
- ii) G.O.Ms.No.422, Transport Department, dated 9.4.1979
- iii) G.O.Ms.No.135, Transport Department, dated 7.2.1983
- iv) G.O.Ms.No.95, Transport Department, dated 4.2.1988
- v) G.O.Ms.No.788, Public Works Department, dated 1.6.1992
- vi) G.O.Ms.No.67, Highways Department, dated 25.3.1998

6.Even recently, the Government issued orders in G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, directing the regularisation of services of persons engaged on daily wages basis in all Departments, if they had completed 10 years of service as on 1.1.2006. Similar orders were passed in the Municipal Administration Department in G.O.Ms.No.125, Municipal Administration and water supply department, dated 27.5.1999. In so far as Highways and Rural Works Department is concerned, an order was issued in G.O.Ms.No.223, Highways (HK-3) Department, dated 2.11.2006, granting similar benefits.

7.Thus, the Government appears to be adopting a consistent policy for the past 25 years, in the matter of absorption and regularisation of the services of Nominal Muster Roll employees and hence the petitioners who are similarly placed are also entitled to the extension of the same benefits.

8.Under the above circumstances, these writ petitions are ordered, direction the respondents to extend the benefit of the aforesaid Government Orders to the members of the petitioner-associations, whose particulars are furnished in the Annexure to this order,

with effect from the date on which other similarly placed persons were granted such benefits and pass appropriate orders within a period of three months from the date of receipt or production of a copy of this order."

6.As observed in para 7 of the order dated 13.03.2007 in W.P.Nos. 27705, 33011, 33017, 33022 to 33030, 33300, 35577 and 38514 of 2006, the Government has always adopted a consistent policy of regularising daily NMRs'/daily rated employees by issuing various orders from time to time. Taking into account the said facts, a direction is issued to the respondent to pass orders on the claim of the petitioner for regularisation based on the order dated 13.03.2007 in W.P.Nos. 27705, 33011, 33017, 33022 to 33030, 33300, 35577 and 38514 of 2006, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

TK
To

The Commissioner
Palani Municipality
Palani, Dindigul District.

1 cc To Mr.M.Devadoss, Advocate, SR.72605

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