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**(2014) 09 MAD CK 0248**

**In the Madras High Court**

**Case No :** Writ Petition No. 24593 of 2014 and M.P. No. 1 of 2014

Tmt. P. Sivagami

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

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**Date of Decision :** 10-09-2014

**Acts Referred:**

**Citation :** (2014) 09 MAD CK 0248

**Hon'ble Judges :** R.S. Ramanathan, J

**Bench :** Single Bench

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## **Judgement**

R.S. Ramanathan, J.—The petitioner was recruited as Sanitary worker through employment exchange in the year 1998 and continued to work in that capacity. As per G.O. Ms. No. 71 (Municipal Administration and Water Supply Department) dated 05.05.1998, the petitioner is entitled to get her services regularized after completion of three years from her original date of appointment and therefore, the respondents ought to have regularized the service of the petitioner from the year 2001. However, the third respondent by his proceedings in Na.Ka. No. 1933/06/C1 dated 01.03.2006 has regularized the service of the petitioner and therefore, the present writ petition has been filed by the petitioner seeking to quash the said proceedings of the third respondent dated 01.03.2006 and to direct the respondents herein to regularize the services of the petitioner and bring her into the regular time scale of pay with effect from the date of completion of 3 years service as per G.O. Ms. No. 71 (Municipal Administration and Water Supply Department) dated 05.05.1998 with all consequential monetary and service benefits.

2. Mrs. P. Rajalakshmi, learned Government Advocate appearing for the respondents submitted that as against the order passed by the third respondent in Na.Ka. No. 1933/06/C1 dated 01.03.2006, the petitioner has filed the present writ petition only now that too after a lapse of 8 years and therefore, the writ petition is liable to be dismissed on the ground of laches.

3. The learned counsel for the petitioner submitted that as against the order

passed in W.P. No. 4229 of 2010 and other writ petition, Writ Appeals in W.A. Nos. 1306 and 2389 of 2011 have been preferred before a Division Bench of this Court. In the said Writ Appeals and in W.P. Nos. 18284 to 18286 of 2013, this Court has considered G.O. Ms. No. 71 (Municipal Administration and Water Supply Department) dated 05.05.1998, and conferred the benefits to similar Sanitary Workers and therefore, the present writ petition may be allowed.

4. I am unable to accept the contention of the learned Government Advocate that the present writ petition may be dismissed on the ground of laches.

5. In the aforesaid judgments this Court, has taken into consideration the G.O. Ms. No. 71 (Municipal Administration and Water Supply Department) dated 05.05.1998 and directed the respondents to regularise the services of the petitioners therein on completion of three years of service from their original date of appointment besides if their services were found satisfactory. In the case on hand, there is no complaint from the third respondent that the petitioner's service was not satisfactory during her service and as a matter of fact, the third respondent has regularized the service of the petitioner by his proceedings in Na.Ka. No. 1933/06/C1 dated 01.03.2006 instead of regularizing her service from the year 2001 onwards i.e., on her completion of three years from her original date of appointment. Hence, in my considered opinion, the writ petition is liable to be allowed.

6. In the result, the writ petition is allowed and the proceedings of the third respondent in Na.Ka. No. 1933/06/C1 dated 01.03.2006 is quashed and the third respondent is directed to regularise the service of the petitioner from the date on which her completion of three years from the date of her original appointment as per G.O. Ms. No. 71 (Municipal Administration and Water Supply Department) dated 05.05.1998, and pay the arrears of monetary benefits to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.