

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE D.KRISHNAKUMAR

WP No.87 of 2019

and WMP.105/2019

MADRAS CORPORATION [PETITIONER IN BOTH THE PETITIONS]
RED FLAG UNION REP BY ITS
GENERAL SECRETARY
P.SRINIVASALU
S/O. P.VENKAIAH
NO 24 LAWYER JEGANNATHAN
STREET GUINDY CHENNAI-32

Vs

1 GREATER CHENNAI CORPORATION [RESPONDENTS IN BOTH THE PETITIONS]
REP BY ITS COMMISSIONER
RIPON BUILDING
CHENNAI-3

2 THE SUPERINTENDING ENGINNER
(SWM) GREATER CHENNAI
CORPORATION 4TH
FLOOR AMMA MAALIGAI RIPON BUILDING
CAMPUS 1131 EVR SALAI
CHENNAI-3

Writ Petitions under Article 226 of the Constitution of India
praying that in the circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue a Writ of Declaration

(i) To declaring that the invitation of tender dated 20-8-0218 bearing SWMC NO A7.3025/2017 package- 1 and invitation of Tender dated 20-8-2018 bearing SWMC NO A7/3025/2017 PACKAGE-II as illegal arbitrary and contrary ot law and consequently direct the respondents to retain all the members of the petitioner union whose names are given in the Annexure to the writ petition working as Non Muster Roll Employee under various designations such as Sanitary worker drivers Electrician and the employees drawing wages under the national urban livehihood mission and doing the sanitary work and regularize their services from the date when they had completed 480 days of continuous service within a period of 24 calendar months in terms of Section 3 of the Tamil Nadu Establishment (Conferment of Permanent Status to Workmen) Act, 1981 (in WP.87/2019) and;

NMR WORKERS LIST XEROX COPY ATTACHED

(ii) To grant interim injunction restraining the respondent corporation from discontinuing the services of the members of the petitioner union in any manner whose names are given in the Annexure to the petition (in WMP.105/2019) pending disposal of the above WP.87/2019 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.VAIGAI, SENIOR COUNSEL FOR M/S.BALAN HARIDAS, Advocate for the petitioner in both the petitions and of MRS.KARTHIKA ASHOK, Advocate on behalf of the Respondents in both the petitions the court made the following order:-

The learned Senior counsel appearing for the Petitioner Union submits that there is apprehension for the Members of the Petitioner union that their services would be discontinued and therefore, the present Writ Petition is filed seeking Writ of Declaration to declare that the invitation of tender dated 20.08.2018 bearing SWMC.No.A7/3025/2017-Package-1 and invitation of Tender dated 20.08.2018 bearing SWMC.No.A7/3025/2017-Package-II, as illegal and contrary to law and consequently to direct the respondents to retain all the members of the Petitioner Union, given in the Annexure to the Writ Petition.

2. The learned Standing Counsel appearing for the Respondents/Greater Chennai Corporation would submit that the Petitioner Union herein has already filed W.P.No.4407 of 2014 before this court and this court by order dated 10.06.2014, in M.P.No.1 of 2014 in W.P.No.4407 of 2014, directed the respondent/Commissioner, Corporation of Chennai to maintain status quo in respect of the status of the members of the Petitioner Union, until the disposal of the writ petition. It is further submitted that the aforesaid order of status quo passed in W.P.No.4407 of 2014 dated 10.06.2014 is still in force. The learned Standing counsel would also submit that the status quo order is still operating and the Corporation of Chennai will maintain the status quo and the services of the members of the petitioner union as per the list furnished in the earlier writ petition will continue in the service. In the present case on hand, members list annexed in the typed set of papers is disputed by the Corporation and the learned Standing Counsel seeks time to file a detailed counter affidavit by placing particulars of the services of the members in the Corporation.

3. Taking note of the submission made by both sides, there shall be an order of status quo as on today in respect of Members of the Union, whose names are given in the Annexure to the Writ Petition alone viz., the members of the Petitioner Union, (who are continuously in the service of the Corporation) for a period of four weeks from today. It is open to the Respondent Corporation to

proceed with the Tender Notification in accordance with law.

4. Post after four weeks.

-sd/-
04/01/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER
GREATER CHENNAI CORPORATION
RIPON BUILDING CHENNAI-3

2 THE SUPERINTENDING ENGINEER
(SWM) GREATER CHENNAI
CORPORATION 4TH FLOOR
AMMA MAALIGAI RIPON BUILDING
CAMPUS 1131 EVR SALAI CHENNAI-3

C.C. to M/S.BALAN HARIDAS Advocate Sr.No.205

C.C. to MRS.KARTHIKAA ASHOK, Advocate Sr.No.234

Order
in
WP.87/2019

and WMP.105/2019

Date :04/01/2019

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RRI 04/01/2019 (IT)

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