

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23419/2015

M.Ganesan

... Petitioner

Versus

1. The Secretary to Government
Government of Tamilnadu
Highways Department
Fort ST George, Chennai 600009.
2. The Director General and Chief Engineer
Highways, Chepauk, chennai.
3. The Divisional Engineer
Highways, Erode Division,
Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 1st respondent to reinstate the petitioner herein in service so as to enable the regularization of the petitioner's service and regularise the service of the petitioner with effect from the date of completion of 3 years of service in the light of the orders issued in Govt.Lr.No.4507/HM2/2009-26 dated 02.06.2011 of the 1st respondent and Memo No.604/Nir.4[3]/2009 dated 03.06.2011 of the 2nd respondent and considering the petitioner's representation dated 20.08.2014.

For Petitioner : Mr.G.Punniyakotti

For RR 1 to 3 : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he joined the services as a Nominal Muster Roll Worker [NMR] on daily wage basis on 15.09.1984 and for 10 years, he worked in that capacity and since the petitioner has rendered continued and uninterrupted services with artificial breaks between 15.09.1984 and 23.02.1994, he is entitled to get his services regularised and absorbed in the regular establishment and without regularising his services, the petitioner was terminated from service in the year 2002. It is the claim of the petitioner that Tr.Kaliyappan and 26 others who are similarly placed, had moved this Court and they were granted the relief in the light of the orders passed by this Court which culminated into a letter dated 02.06.2011 of the 1st respondent as well as proceedings of the 2nd respondent dated 03.06.2011. The petitioner claiming similar benefits, has submitted a representation dated 20.08.2014 to the respondents for setting aside the termination order with a consequential direction to absorb and regularise his service and since, he has not been favoured with any response, he came forward to file this writ petition.

3.Heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the petitioner's representation, permits the petitioner to submit one more representation to the respondents 1 to 3 by enclosing a copy of this order as well as the copy of his earlier representation dated 20.08.2014 within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3, on receipt of the same, are directed to consider and dispose of the same in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner herein.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

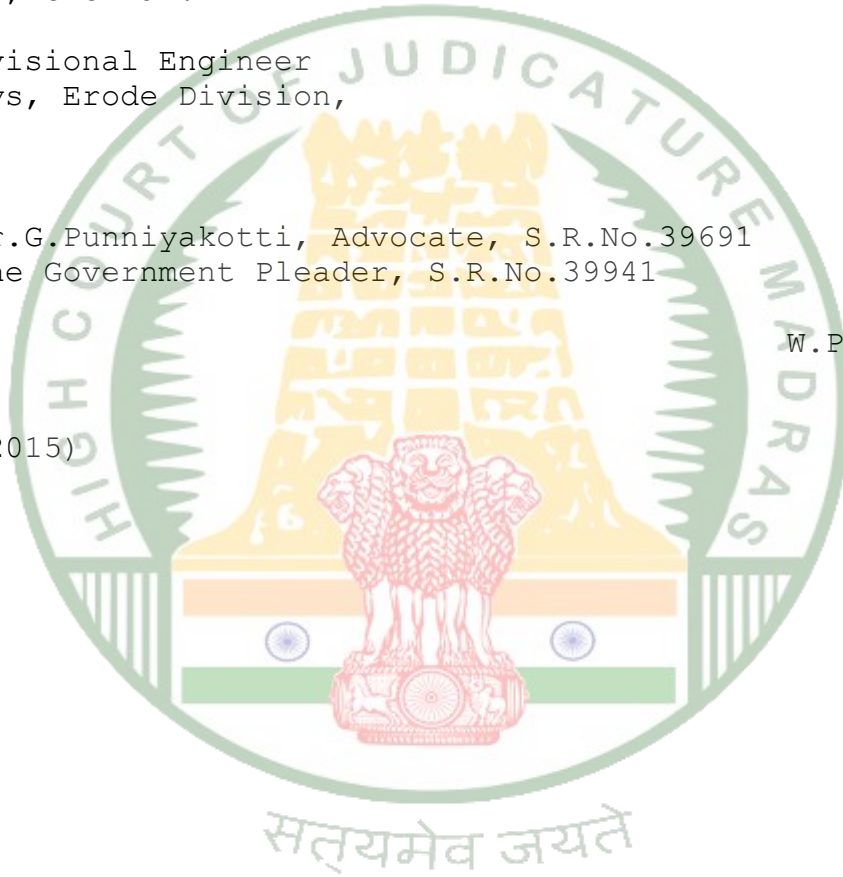
To

1. The Secretary to Government
Government of Tamilnadu
Highways Department
Fort ST George, Chennai 600009.
2. The Director General and Chief Engineer
Highways,
Chepauk, chennai.
3. The Divisional Engineer
Highways, Erode Division,
Erode.

+1cc to Mr.G.Punniyakotti, Advocate, S.R.No.39691
+1cc to the Government Pleader, S.R.No.39941

W.P.No.23419/2015

CA(CO)
CA(14/08/2015)



WEB COPY