

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32445 of 2015

- 1.K.Munusamy
- 2.P.Subramaniam
- 3.M.Karuppusamy
- 4.M.Velusamy
- 5.T.Kaaliyappan
- 6.Pappayammal
- 7.N.Padmini
- 8.Chandral
- 9.K.Santhi
- 10.Ramasamy
- 11.Palaniyappan
- 12.Palanisamy
- 13.Chenni
- 14.Veerapathran
- 15.Pappal
- 16.Sampuranam
- 17.P.Vijayakumar
- 18.Kamala
- 19.C.Marappan
- 20.G.Gopal
- 21.Sivagami

.. Petitioners

VS

- 1.The Government of Tamilnadu
Rep. By Secretary to Government
Highways Department
Fort St. George, Chennai 600 009
- 2.The Director General and Chief
Engineer
Highways, Chepauk, Chennai
- 3.The Divisional Engineer
Highways, Erode Division
Erode

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to reinstate the petitioners in service so as to enable the regularisation of their service and to regularise the service of the petitioners with effect from the date of completion of three years of service in the light of

the orders issued in Govt.Lr.No.4507/HM2/2009-26, dated 2.6.2011, of the first respondent and Memo No.604/Nir.4(3)/2009 dated 3.6.2011, of the second respondent and consider their representation dated 20.8.2014.

For Petitioners : Mr.G.Punniyakotti
For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

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

2.The deponent of the affidavit, who is the first petitioner, claims that the services of the petitioners were engaged as "Salai Paniyalargal" (Road Masdoor) between 1980 and 1995 and the same were disengaged in the year 2002, and pursuant to the judgment of the Hon'ble Supreme Court of India dated 27.9.2010, made in SLP (CC) No.14093/2010, the Government vide letter dated 2.6.2011, has decided to regularise the services of the employees, who have completed three years of service as NMR Worker, and the petitioners have completed ten years of service and in this regard, have submitted a joint representation dated 20.8.2014, and since no response is forthcoming, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioners, would submit that in similar facts and circumstances, the Government in compliance of the order dated 9.12.2005, passed in W.P.No.36623/2004, has issued G.O.(Ms) No.26, Highways and Minor Ports (HM2) Department, dated 1.3.2012, regularising the services of the Road Masdoors and prays for appropriate orders.

4.Per contra, Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, would submit that the claim made by the petitioners, is hit by delay and laches for the reason that admittedly, their services were disengaged even in the year 2002 itself, and nearly after thirteen years, they are making a claim, which is nothing but a stale, and prays for dismissal of this writ petition.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.Though the petitioners prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners in this writ petition, directs the second respondent to consider the petitioners' joint representation dated 20.8.2014, in accordance with law and pass orders thereon within a period of twelve weeks from the date of receipt of a copy of

this order and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

nsv

To:

1.The Secretary to Government
Highways Department
Fort St. George, Chennai 600 009

2.The Director General and Chief
Engineer
Highways, Chepauk, Chennai

3.The Divisional Engineer
Highways, Erode Division
Erode

+1 CC to MR.G.Punniyakotti Advocate. SR.NO. 55704
+1 CC to Govt.Pleader. SR.NO. 55973

W.P.No.32445 of 2015

CO-AK
JD 28/10/2015

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