

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34541 of 2015

1. S.A.Velan
2. Marimuthu
3. Selvan
4. Subramani
5. Thangavel
6. Palanisamy
7. Semmalayappan
8. Subramanian
9. Mani
10. Jaganathan
11. Semalai
12. Arumugam
13. Shanmugam
14. Nallasivam
15. Mani
16. Maral @ Marammal
17. Natchiammal
18. Lakshmi
19. P.K.Shamugasundaram

... Petitioners

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
Highways Department
Fort St. George
Chennai - 600 009.

2. The Chief Engineer
Highways Department
Chennai-5.
3. The Divisional Engineer
Highways, Erode Division
Erode.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to reinstate the petitioners herein in service so as to enable the regularization of their service and to regularize the service of the petitioners with effect from the date of completion of three years of service in the light of orders issued in Govt. Lr.No.4507/HM2/2009-26, dated 02.06.2011 of the first respondent and Memo No. 604/Nir.4(3)/2009 dated 03.06.2011 of the second respondent and considering our representation dated 20.08.2014.

For Petitioners : Mr. G.Punniyakotti

For Respondents : Mr. S.Gunasekar
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioners claimed that they were N.M.R employees putting in service ranging from one year to 18 years with artificial breaks and in terms of the Judgment dated 09.12.2005 made in W.P.No. 36623 of 2004 confirmed in W.A.No. 1260 of 2008 and further confirmed Order in S.L.P.No.C.C.No. 14093 of 2010 dated 27.09.2010, services of some of the petitioners have been regularised and hence, they have come forward to file this Writ Petition.

3. This Court heard the submissions of Mr. G.Punniyakotti, learned counsel appearing for the petitioners and Mr. S.Gunasekar, learned Government Advocate, who accepts notice on behalf of the respondents, who would submit that the petitioner is making a stail claim and guilty of delay and latches. Even as per the details provided in paragraph number in one of the affidavit, they have worked during the year 1982, 1985, 1988, 1990, 1991, 1992, 1994 and 1996, etc., and as such, they are not entitled to get any relief and prayed for dismissal of this Writ Petition.

4. Though the petitioners prayed for larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioners

either in their representation or in this Writ Petition, directs the second respondent to consider and dispose of the petitioners representation dated 20.08.2014 on merits and in accordance with law and pass orders 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.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Secretary to Government
The Government of Tamilnadu
Highways Department
Fort St. George
Chennai - 600 009.
2. The Chief Engineer
Highways Department
Chennai-5.
3. The Divisional Engineer
Highways, Erode Division
Erode.

+1cc to Mr.G.Punniyakotti, Advocate, S.R.No.59011
+1cc to the Government Pleader, S.R.No.59248

W.P.No.34541 of 2015

LRS(CO)
CA(19/11/2015)

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