

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.39972 of 2015

1. Senniyappan
2. M.Veeran
3. R.Subramanian
4. K.Arjunan
5. P.Selvan
6. Tulasi Mani
7. Pappal
8. K.Thangaraj
9. Deivasigamani
10. Rayammal
11. Paramasivam
12. N.K.Palanisamy

... Petitioners
13.

Vs.

1. The Government of Tamil Nadu
Rep by its Secretary to Government
Highways Department,
Fort St. George, Chennai-9.

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 to direct the first respondent to reinstate the petitioners herein in service so as to enable the regularization of our 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 11.06.2014.

For Petitioners : M/s.G.Punniyakotti

For respondents : M/s.S.Gunasekaran, GA

O R D E R

With the consent of both sides, the Writ Petition 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 27.09.2010, made in SLP (CC) No.14093/2010, the Government vide letter dated 02.06.2011, has decided to regularise the service of the employees who have completed three years of service as NMR worker, and the petitioners have submitted a joint representation dated 20.08.2014, 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 09.12.2005, passed in WP.No.36623/2004, has issued GO.Ms.No.26, Highways and Minor Ports (HM2) Department, dated 01.03.2012, regularising the services of the Road Masdoors and prays for appropriate orders.

4.Per contra, Mr.S.Gunasekarn, 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.Heard the submissions of M/s.S.Punniyakotti, learned counsel appearing for the petitioners and M/s.S.Gunasekaran, Government Advocate who accepts notice on behalf of the respondents.

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 the writ petition, directs the second respondent to consider the petitioners' joint representation dated 20.08.2014, in accordance with law and pass orders thereon within a period of twelve weeks from the date of receipt of copy of this order and communicate the decision taken, to the petitioners.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
The Government of Tamil Nadu
Highways Department,
Fort St.George, Chennai-9.

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

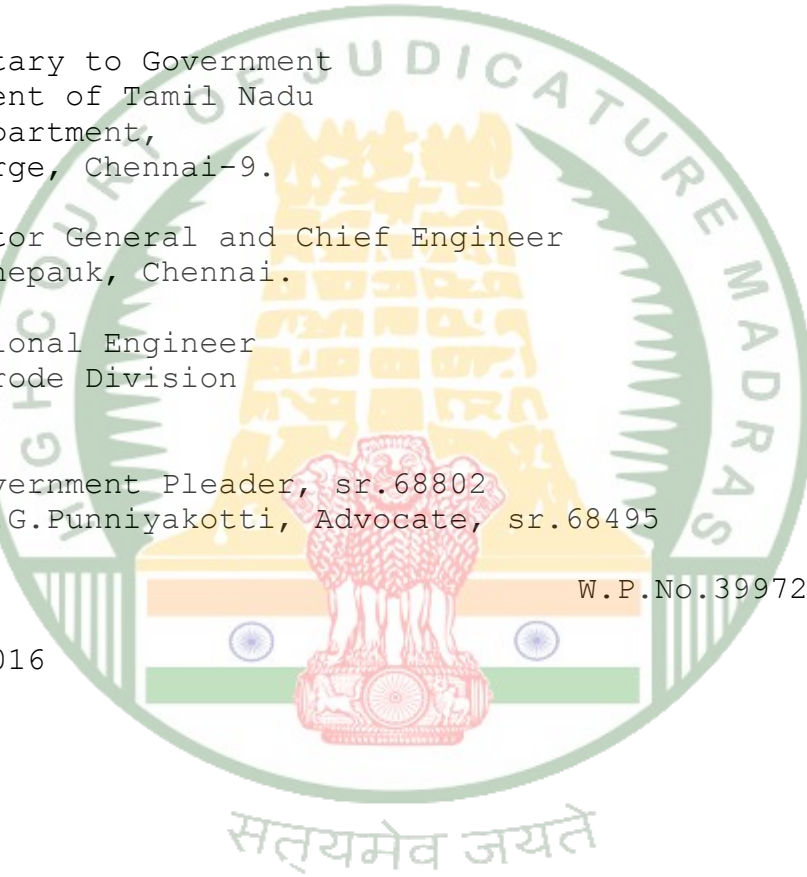
3.The Divisional Engineer
Highways, Erode Division
Erode.

+1 cc to Government Pleader, sr.68802

+1 cc to Mr.G.Punniyakotti, Advocate, sr.68495

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kra 07.01.2016



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