

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 25.4.2016

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI

AND

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Appeal No.493 of 2016 and

C.M.P.No.6805 of 2016

1. The State of Tamil Nadu rep. by
the Secretary,
Public Works Department,
Fort St. George, Chennai 600 009.
 2. The Principal Chief Engineer
(Buildings),
Public Works Department,
Chepauk, Chennai 600 005.
 3. The Executive Engineer,
Public Works Department,
South Presidency Division,
Chepauk, Chennai 600 005.
- Appellants

Versus

1. P.Subramanian
2. S.Malaisamy
3. K.Ravi
4. S.Rajeshwari
5. A.Ammachi
6. S.Aruldas
7. V.Manimegalai
8. R.Vasanth
9. M.Mala
10. R.Sumathi
11. S.Punitha
12. K.Rathinavel
13. A.Manickam
14. K.Selvam
15. S.Vellaisamy
16. A.Janaki
17. D.Pushpavathi

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18. N.Latha
19. V.Nachiaar
20. E.Elizabeth
21. T.Sivaneshwari
22. B.Renuka
23. A.Murugan
24. P.Neela
25. S.Shanthi
26. S.Lakshmi
27. D.Tamilselvi
28. S.Lakshmi
29. E.Ambika
30. R.Elumalai
31. N.Kaliyaperumal
32. A.Arumugam
33. E.Yasodha
34. S.Rani
35. K.Manonmani
36. E.Chitra
37. M.Valarmathi

..... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.7.2012 made in W.P.No.16107 of 2012 Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the claim of the petitioners for regularization of their services on completion of 10 years of Casual Labourers Services as per various Government Orders on the subject on the basis of representation dt 11.11.2011 with all consequential benefits within a time to be stipulated by this Court.

For Appellants : Mrs.A.Srijayanthi,
Special Govt. Pleader

For Respondents : Mr.L.Chandrakumar

JUDGMENT

V.BHARATHIDASAN, J.

The instant intra-court appeal has been directed against the order passed in W.P.No.16107 of 2012, dated 4.7.2012 allowing the writ petition and directing the appellants to regularise the services of the respondents.

2. The respondents were appointed as Casual Labourers/Nominal Muster Roll in Public Works Department and they are working in the Bungalows of the Honourable Judges and Honourable Ministers and also in Division Offices. Even though

they have completed ten years of service, their services have not been regularized for a long period, and in view of the Government Order in G.O.(Ms) No.22 P&A Department dated 28.2.2016, they sought for regularisation of the services on their completion of ten years of service.

3. The learned Single Judge relying upon earlier orders passed by this court in similar circumstances, held that similarly placed persons, i.e., part time Sweepers were granted regularisation of services on completion of ten years of service by relaxing the rule whenever required in terms of G.O.(Ms) No.22 P&A Department dated 28.2.2006, and allowed the writ petition with a direction to the appellants to regularise their services within a period of eight weeks from the date of receipt of copy of the order. Further, the learned Single Judge directed the appellants to pay the arrears of salary to the respondents pursuant to the regularisation within a period of four weeks therefrom.

4. The appellants filed the present appeal based on a subsequent G.O. issued by the Government in G.O.(Ms) No.74 P&AR (F) Department dated 27.6.2013, modifying the earlier G.O.(Ms) No.22, Personnel and Administrative Reforms (F) Department, dated 28.2.2006, which laid down some fresh modalities to govern the regularisation of services of the full time daily wages employees. According to the appellants, as per G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department, dated 27.6.2013, the respondents are not entitled to get their services regularised.

5. We have heard Mrs.A.Srijayanthi, learned Special Govt. Pleader for the appellants and Mr.L.Chandrakumar, learned counsel for respondents.

6. The learned Single Judge allowed the writ petition by order dated 4.7.2012, directing the appellants to regularise the services of the respondents within a period of eight weeks and also to pay the arrears of salary within a period of four weeks thereafter, but, the appellants without complying with the orders passed by the learned Single Judge, filed the writ appeal belatedly, based on G.O., viz., G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department, dated 27.6.2013, which came to be passed subsequent to the orders passed by the learned Single Judge. The orders passed by the learned Single Judge reached finality before the issuance of G.O. viz., G.O.(Ms) No.74, Personnel and Administrative Reforms (F) Department, dated 27.6.2013, the appellants without obeying the order and

regularizing the services of the respondents, cannot take advantage of the subsequent G.O., which came to be passed nearly after one year of the orders passed by the learned Single Judge and deny the regularization of services of the respondents. The modalities laid down in G.O. viz., G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department, dated 27.6.2013 cannot be made applicable to the respondents.

7. In the above circumstances, we find no merit in the present writ appeal and the same fails consequently, it is dismissed. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Public Works Department,
Fort St. George, Chennai 600 009.
2. The Principal Chief Engineer
(Buildings),
Public Works Department,
Chepauk, Chennai 600 005.
3. The Executive Engineer,
Public Works Department,
South Presidency Division,
Chepauk, Chennai 600 005.

+lcct o the Government Pleader Sr.25871
+lcc to Mr.L.Chandrakumar, Advocate Sr.25919

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