

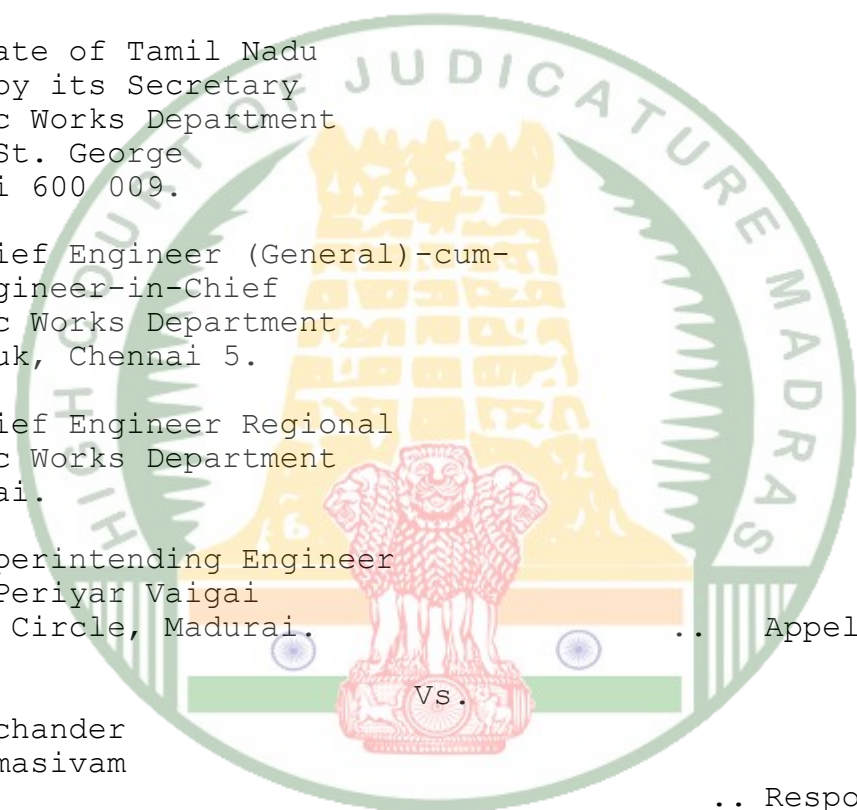
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.631 of 2016

- 
1. The State of Tamil Nadu
rep. by its Secretary
Public Works Department
Fort St. George
Chennai 600 009.
2. The Chief Engineer (General)-cum-
Engineer-in-Chief
Public Works Department
Chepauk, Chennai 5.
3. The Chief Engineer Regional
Public Works Department
Madurai.
4. The Superintending Engineer
WRO, Periyar Vaigai
Basin Circle, Madurai. ... Appellants
- Vs.
1. T.Balachander
2. S.Paramasivam
3. N.Raja ... Respondents

Appeal under Clause 15 of the Letters Patent filed against the order of the learned single Judge dated 06.9.2012 made in W.P.No.23529 of 2007 on the file of this Court.

Prayer In W.P.23529 of 2007: Praying for a Writ of Mandamus directing the respondents 1 to 3 to consider the claim of petitioners herein for regularisation by bringing them into regular time scale of pay on completion of the requisite number of years of service as casual/NMRs services along with other service benefits as prescribed in various Government orders on the basis of the representation dated 1.10.2004 and the reminder representation dated 16.3.2006 as per Government Order.

For Appellants : Mrs.A.Srijayanthi, Spl.G.P.

For Respondents: Ms.N.R.Jasmine Padma
For Mr.L.Chandrakumar

J U D G M E N T

(Delivered by Huluvadi G.Ramesh,J)

This appeal has been filed by the State challenging the order of the learned single Judge regularising the services of the casual employees.

2. The respondents herein are working as Casual Labourer and Mazdoors from 01.6.1996, 01.7.1996 and 01.7.2001 respectively. The Government have brought into regular establishment the NMRs/Casual Labourers who have completed ten years of service. Therefore, the respondents made a representation on 01.10.2004 to regularise them as they have completed ten years of service and sent a reminder on 16.3.2006. As no action was taken on the said representations, the respondents have filed the writ petition.

3. A learned single Judge, by order dated 06.9.2012, after referring to the several decisions of this Court rendered in this regard, directed the fourth appellant herein to regularise the services of the respondents on completion of ten years with time scale of pay, within a period of four weeks from the date of receipt of a copy of that order. Aggrieved by the same, the appellants have come up with this appeal.

4. In a recent decision in W.A.No.493 of 2016 dated 25.4.2016, which was filed challenging the order of the learned single Judge directing the appellants to regularise the services of the respondents, who were appointed as Casual Labourers/Nominal Muster Roll, within a period of eight weeks and also to pay the arrears of salary within a period of four weeks, on the basis of G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.5.2013 which laid down some fresh modalities to govern the regularisation of the services of the full time daily wages employees, a Division Bench of this Court held that the order of the learned single Judge had attained finality before the issuance of the said G.O. and therefore, the appellants could not take advantage of the said Government Order which was passed nearly after one year of the order of the learned single Judge and deny regularisation of the services of the respondents and accordingly, dismissed the writ appeal, confirming the order of the learned single Judge.

5. In view of the order of the Division Bench of this Court dated 25.4.2016 made in W.A.No.493 of 2016, we are of the view that this writ appeal does not merit consideration. Accordingly, this writ appeal is dismissed confirming the order of the learned single Judge. There shall be no order as to costs. Consequently, CMP No.8223 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

- 1.The State of TamilNadu,
rep by its Secretary,
Public Works Department,
Fort Saint George,
Chennai-9.
- 2.The Chief Engineer (General)
Cum Engineer in Chief,
Public Works Department,
Chepauk, Chennai-5.
- 3.The Chief Engineer Regional,
Public Works Department,
Madras.
- 4.The Superintendent Engineer,
WRO, Periyar Vaigai,
Basin Circle, Madurai.

+1cc to Mr.L.ChandraKumar, Advocate Sr.31884
+1cc to the Government Pleader Sr.32305

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W.A.No.631 of 2016.

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