

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34122 of 2016

1.J.Sivasakthi
2.R.Shankar
3.C.Anandavel
4.R.Ravindran

... Petitioners

vs.

1. The State of Tamil Nadu
rep. by the Secretary
Public Works Department
Fort St.George, Chennai 600 009.

2. The Engineer in Chief
Public Works Department
Chepauk, Chennai 600 005.

3. The Chief Engineer (Ground Water)
Public Works Department
Taramani, Chennai 600 113.

4. The Executive Engineer (Ground Water)
Cuddalore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to consider the representation of the petitioners dated 20.1.2016 seeking regularization/bringing into regular time scale of pay, by taking into account the G.O.No.278, PWD dated 27.08.2008, G.O.Ms.No.77, PWD dated 13.02.2009 and G.O.Ms. No.181 dated 31.08.2009, on merits and within a time to be stipulated by this Court.

For Petitioners : Mr.L.Chandrakumar
For Respondents : Mr.R.Venkatesh
Government Advocate

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to consider their representation dated 20.1.2016 seeking regularization / bringing into regular time scale of pay, by taking into account the G.O.No.278, PWD dated 27.08.2008, G.O.Ms.No.77 PWD dated 13.02.2009 and G.O.Ms.No.181 dated 31.08.2009, on merits and within a time to be stipulated by this Court.

3. It is the case of the petitioners that they were appointed as Jeep Drivers in 1998-2000. Their names were also proposed to be brought into the regular scale of pay during 2011 and 2012. In the meantime, various orders came to be issued by the Government vide G.O.Ms.No.278 Public Works Department dated 27.8.2008, regularizing around 15 drivers, who had completed ten years of casual labourer service. This was followed by G.O.No.77 Public Works Department dated 13.2.2009. Following the said GO, yet another 15 persons in the category of drivers by relaxing rules, were brought into regular time scale of pay. Subsequently, another order in G.O.No.181 dated 31.8.2009 was issued regularizing 12 drivers, who had completed ten years of casual labourer service like that of the petitioners. Despite the same, the respondents have not taken any steps to bring the petitioners into regular time scale of pay. In this regard, they sent a representation dated 20.1.2016 to the respondents 1 and 2. But, the same was not considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petition.

4. Learned counsel appearing for the petitioners submitted that taking into account the continuous uninterrupted service of the petitioners for over 18 years and taking into consideration the GOs referred to above, the fourth respondent, vide letter dated 4.4.2012, sent proposals to the third respondent for bringing the petitioners into regular time scale of pay and the same is pending before the respondents 1 and 2. However, till date, the respondents 1 and 2 have not considered the same. Hence, the petition.

5. I have also heard the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without

going into the merits of the claim projected by the petitioners, this Court directs the respondents 1 and 2 to consider the representation of the petitioners dated 20.1.2016 seeking regularization / bringing into regular time scale of pay and pass appropriate orders, on merits and in accordance with law and also in the light of the Government Orders in G.O.No.278, PWD dated 27.08.2008, G.O.Ms.No.77 PWD dated 13.02.2009 and G.O.Ms.No.181 dated 31.08.2009 and also based on the proposals dated 4.4.2012 sent by the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Secretary
to State of Tamil Nadu
Public Works Department
Fort St.George, Chennai 600 009.
2. The Engineer in Chief
Public Works Department
Chepauk, Chennai 600 005.
3. The Chief Engineer (Ground Water)
Public Works Department
Taramani, Chennai 600 113.
4. The Executive Engineer (Ground Water)
Cuddalore.

+1CC to Mr. L. Chandrakumar, Advocate Sr.No.55527

W.P.No.34122 of 2016

KS (CO)

MD : 24/10/2016