

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.34767 to 34771 of 2016

L.Sridhar ... Petitioner in  
W.P.34767 of 2016

V.Annadurai ... Petitioner in  
W.P.34768 of 2016

D.Kannan ... Petitioner in  
W.P.34769 of 2016

S.Ganesan ... Petitioner in  
W.P.34770 of 2016

K.Neppoliyan ... Petitioner in  
W.P.34771 of 2016

vs.

1. State of Tamil Nadu  
rep. by its Secretary  
Public works Department,  
Fort. St. George,  
Chennai - 600 009

2. The Chief Engineer,  
WRO(Water Resources Organisation),  
Chepauk, Chennai 600 005.

3. The Chief Engineer, (General),  
Public Works Department,  
Chepauk, Chennai- 600 005.

4. The Chief Engineer,  
Public Works Department,  
Trichy Regional (Water Resources Organisation),  
Trichy.

WEB COPY

5. The Assistant Executive Engineer,  
Marudaiyaru Basin Sub Division,  
Perambalur,  
Perambalur District.

... Respondents in all W.Ps.

Common Prayer :- Writ petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pass orders based on the letter sent by the 4<sup>th</sup> respondent in Letter No.Si3/11413/2014, dated 07.07.2015 in pursuance of the letter sent by the 5<sup>th</sup> respondent in Letter No.Ko.3/2015/U.Se.Po.(Pe) dated 13.07.2015 within a date fixed by this court and thereby regularise the service of the petitioners on completion of 10 years of service with monitory benefits.

For Petitioner in all W.Ps : Mr.A.R.Nixon

For Respondents in all W.Ps : Mr.N.Srinivasan,  
Addl. Govt. Pleader  
for R1 and R2

#### C O M M O N O R D E R

With the consent of both sides, 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 to pass orders based on the letter sent by the 4<sup>th</sup> respondent in Letter No.Si3/11413/2014, dated 07.07.2015 in pursuance of the letter sent by the 5<sup>th</sup> respondent in Letter No.Ko.3/2015/U.Se.Po.(Pe) dated 13.07.2015, within a date fixed by this court and thereby regularise the service of the petitioners on completion of 10 years of service with monitory benefits.

3. It is the case of the petitioners that they have been appointed as Irrigation Assistant in a temporary post at the office of the Assistant Engineer, Public Works, Water Resources Organisation, Marudaiyaru Basin Subdivision and the appointment was made based on the Educational Qualification on daily wages post. Now they have completed for more than the statutory period of 10 years. Hence, they filed O.A.No.2988 of 1999 before the Tamil Nadu Administrative Tribunal, Chennai for regularisation of their service and the same was transferred to this Court and renumbered as W.P.No.38645 of 2006. This Court by an order dated 18.04.2009 directed the petitioners to give fresh representation to the Government with details and directing the

Government to dispose of their representation as per G.O.Ms.No.334 Public Works (C2) Department, dated 19.10.2007 and the respondents are directed not to disturb their service until then.

4. During the pendency of the Writ Petition, G.O.Ms.No.334 Public Works (CW) Department dated 19.10.2007 was passed by the Government stating that the regularisation of services are Nominal Muster Roll Employees and brought into Regular Establishment in the available vacancies, the same was incorporated in the order passed in the said Writ Petition. One among the condition was the employees should complete 10 years of service.

5. Based on their representation, on 26.08.2014, the Assistant Executive Engineer, Thuraimangalam sent a proposal for them in Letter No.3/2014/cbrbgh(bg) to the Executive Engineer, Marudaiyaru Basin Division, Ariyalur for regularisation of service. They sent the proposal to the Superintending Engineer, Public Works Department, Nadu Kaveri Basin Circle, Trichy in Letter No. 2/686/2014. On 07.07.2015, the 4<sup>th</sup> respondent sent a letter No.Si3/11413/2014 to all Superintending Engineers of Public works Department/ Water Resources Organisation to send the particular of all the eligible candidates. In pursuance of that the Assistant Executive Engineer, Perambalur sent a letter no.3/2015/U.Se.Po.(pe) dated 13.07.2015 to the Executive engineer, Ariyalur. This being the fact the 1<sup>st</sup> respondent has passed G.O.Ms.No.134 Public Works(C2) Department, dated 07.05.2010, G.O.Ms.No.351 Public Works (C2) Department, dated 05.08.2010 and G.O.Ms.No.202 Public Works (C2) Department, dated 01.08.2012 regularising so many employees similarly placed persons like the petitioners. The order of this Court has not been implemented inspite of the efforts taken by the petitioners. Hence, they are entitled for regularisation of service, the same is stalled because of the inaction of the respondents. Hence, the petitioners have come forward with the above petitions.

6. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate, who has taken notice on behalf of the respondents.

7. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondents 1 and 2 to consider the letter sent by the 4<sup>th</sup> respondent in Letter No.Si3/11413/2014 dated 07.07.2015 in pursuance of the letter sent by the 5<sup>th</sup> respondent in letter no.Ko.3/2015/U.Se.Po(pe) dated 13.07.2015 and pass appropriate orders on merits and inaccordance with law, within a period of six weeks from the date of receipt of a copy of this order.

These writ petitions are disposed of accordingly. No costs.  
Consequently, connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar (CS VII )

/true copy/

Sub Asst. Registrar

mrp

To

1. The Secretary,  
Public works Department,  
Fort. St. George,  
Chennai - 600 009
2. The Chief Engineer,  
WRO (Water Resources Organisation),  
Chepauk, Chennai 600 005.
3. The Chief Engineer, (General),  
Public Works Department,  
Chepauk, Chennai- 600 005.
4. The Chief Engineer,  
Public Works Department,  
Trichy Regional (Water Resources Organisation),  
Trichy.
5. The Assistant Executive Engineer,  
Marudaiyaru Basin Sub Division,  
Perambalur,  
Perambalur District.

5 ccs to Mr.A.R.Nixon, Advocate, Sr. 57151  
1 cc to Government Pleader, Sr. 57181

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