

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36290 of 2016

S.Sakthivel

... Petitioner

vs.

1. The Principal Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat,
Chennai 600 009.
2. The Engineer in Chief (W.R.O.) &
Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai 600 005.
3. The Chief Engineer, PWD/WRO,
Coimbatore Region,
Coimbatore - 641 001.
4. The Superintending Engineer/W.R.O.,
Public Works Department,
Special Project Circle,
Palani, Dindigul District.
5. The Executive Engineer,
PWD/WRO,
Nanganjiar Basin Division,
Palani, Dindigul District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the first respondent herein to regularize the service of the petitioner as Works Inspector Grade-III with effect from the date of completion of 10 years of service as Mazdoor (N.M.R.) on daily wages in accordance with G.O.(D) No.402, dated 25.07.2007, G.O.Ms.Nos.680, 334, 134, Public Works Department, dated 16.08.1995, 19.10.2007 and 07.05.2010, respectively, pursuant to the proposal of 5th respondent herein vide Letter No.Aatchi (2)/Ko.1382/2010, dated 27.10.2010 by disposing of his representation dated 07.09.2016 within a stipulated period of time.

For Petitioner : Mr.K.Shanmugam
For Respondents : Mr.R.Venkatesh,
Government Advocate

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first respondent herein to regularize his service as Works Inspector Grade-III with effect from the date of completion of 10 years of service as Mazdoor (N.M.R.) on daily wages in accordance with G.O.(D) No.402, dated 25.07.2007, G.O.Ms.Nos.680, 334, 134, Public Works Department, dated 16.08.1995, 19.10.2007 and 07.05.2010, respectively, pursuant to the proposal of the 5th respondent herein vide Letter No.Aatchi (2)/Ko.1382/2010, dated 27.10.2010 by disposing of his representation dated 07.09.2016 within a stipulated period of time.

2. According to the petitioner, he has passed +2 Examination and he was initially appointed as Mazdoor (NMR) on 26.07.1992 on the basis of daily wages in the 4th and 5th respondent Office and as on date, he has completed 24 years as Mazdoor (NMR) on daily wage basis. By G.O.Ms.No.1035, Public Works Department, dated 14.07.1976, the Government has provincialized the services of Mazdoors like that of the petitioner and brought them into the regular establishment granting time scale of pay applicable to various categories, who had completed 10 years of service as Mazdoor w.e.f. 01.10.1976, giving due relaxations.

3. The 1st respondent Government issued G.O.Ms.No.680, Public Works (C2) Department, dated 16.08.1995 regularizing 109 fully qualified incumbents and 662 unqualified incumbents in the cadre of Mazdoor working on daily wages, who had completed 10 years of service, granting required relaxations. Further, the 1st respondent Government issued G.O.(D) No.402, dated 25.07.2007 regularizing the services of 11 Mazdoors of Public Works Department from the date of completion of service as N.M.R. by granting necessary relaxations. Thereafter, by G.O.Ms.No.334, PWD (C2) Department, dated 19.10.2007, the Government regularized the services of 1056 Mazdoors (N.M.Rs.) from the date of completion of ten years from the date of their initial appointment granting due relaxation. The Government also issued G.O.(Rt.) No.134, P.W. (3) Department, dated 07.05.2010 in respect of regularization of 985 N.M.Rs.

4. It is the case of the petitioners that in all respects, he is entitled for regularization of service under G.O.Ms.No.134. Around 39 Mazdoors in various categories filed a Writ Petition in W.P.No.36457/2002 before this Court and this Court, by an order dated 22.03.2005, rendered judgment to regularise 39 Mazdoors who rendered more than 10 years of service on daily wages. Pursuant to

the order of this Court, the first respondent issued G.O.(D) No.141, Public Works (C2) Department, dated 20.03.2007 regularizing 39 Mazdoors working on daily wages, who had completed 10 years by giving required relaxation of Rules.

5. The Assistant Executive Engineer, PWD/WRO, Nanganjiar Basis Sub Division II, Edayakottai, in his Letter No.Ko.4/2006/A.E.E.II, dated 07.02.2006 sent a proposal of the petitioner to the 4th respondent for regularisation of the petitioner from the date of completion of ten years as N.M.R., but the same was not processed further. Thereafter, the 4th respondent forwarded a proposal of the petitioner vide Letter No.Aatchi (2)/Ko.1382/2010, dated 27.10.2010 to the 2nd respondent for regularization of his service from the date of completion of ten years. Even this proposal was not processed further. Hence, the petitioner submitted a representation dated 07.09.2016 to the 1st and 2nd respondents. As there is no response from the respondents on his representation, the petitioner has come up with this Writ Petition.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner's grievance will be redressed if the 1st respondent is directed to consider his representation in the light of the above Government Orders and pass appropriate orders within a stipulated time.

8. In view of the above, without expressing any opinion on the merits of the case, the 1st respondent is directed to consider the petitioner's representation dated 07.09.2016 seeking regularization of his service, in the light of G.O.(D) No.402, dated 25.07.2007, G.O.Ms.Nos.680, 334, 134, Public Works Department, dated 16.08.1995, 19.10.2007 and 07.05.2010, respectively, in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To:

1. The Principal Secretary to Government of
Tamil Nadu,
Public Works Department,
Secretariat,
Chennai 600 009.
2. The Engineer in Chief (W.R.O.) &
Chief Engineer (General),
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Special Project Circle,
Palani, Dindigul District.
5. The Executive Engineer,
PWD/WRO,
Nanganjiar Basin Division,
Palani, Dindigul District.

+1 CC Mr.K.Shanmugam Advocate SR.No.70699

+1 CC Government Pleader SR.No.70602

सत्यमेव जयते WP.No.36290 of 2016

SVI [CO]

MSI 03/01/2017

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