

IN THE HIGH COURT OF JUDICATURE AT MADRAS

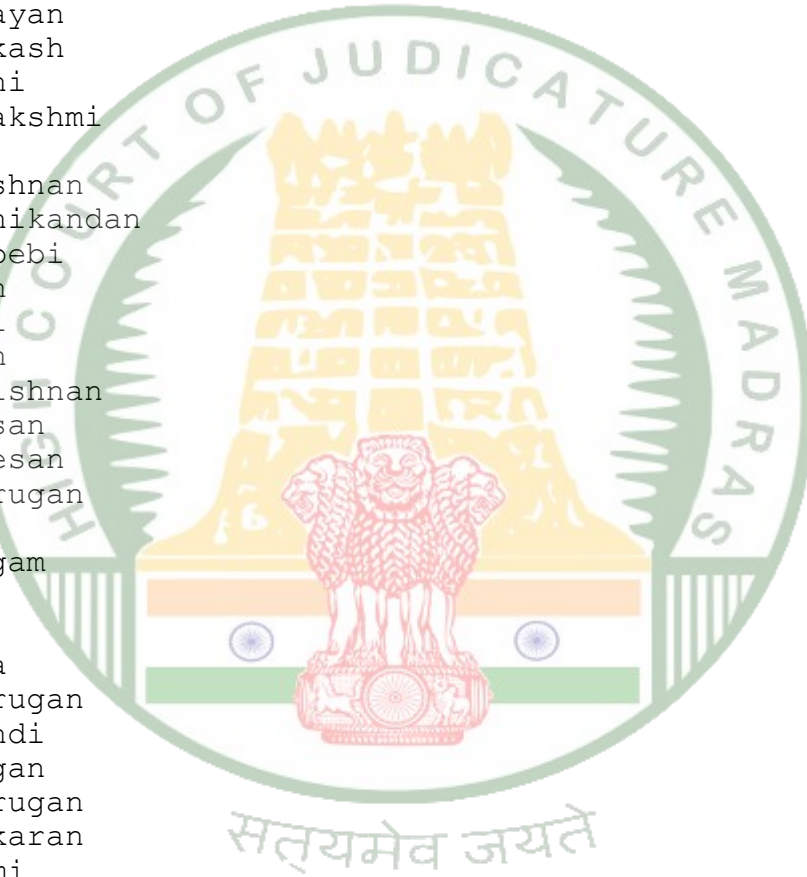
DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36477 of 2016

- 1.P.Murugan
- 2.Thangaraj
- 3.M.Chinnamayan
- 4.M.Jayaprakash
- 5.R.Subramani
- 6.R.Seethalakshmi
- 7.R.Ravi
- 8.K.Ramakrishnan
- 9.P.Sathamnikandan
- 10.P.Indirabebi
- 11.S.Ganesan
- 12.V.Velandi
- 13.M.Pandian
- 14.P.Balakrishnan
- 15.R.Murugesan
- 16.M.Venkatesan
- 17.C.Balamurugan
- 18.A.Kannan
- 19.S.Shanmugam
- 20.T.Thomas
- 21.M.Ponni
- 22.P.Chithra
- 23.C.Balamurugan
- 24.C.Paulpandi
- 25.P.Ponnangan
- 26.P.Balamurugan
- 27.K.Karunakaran
- 28.P.Pownsami
- 29.B.Nagarajan
- 30.Ahmed Ibrahim
- 31.Abdul Khader
- 32.Raja Perumal



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... Petitioners
Vs.

- 1.State of Tamil Nadu, rep. By
The Secretary, Public Works Department,
Fort St.George, Chennai - 600 009.
- 2.The Chief Engineer and Engineer in Chief (General)
Public Works Department,
Chepauk, Chennai - 600 005.

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

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioners herein, on completion of ten years of casual labour services respectively and to extend all benefits thereto with reference to the order of the Division Bench made in W.A.No.493 of 2016 dated 25.04.2016 and W.A.No.631 of 2016 dated 13.06.2016 and on the basis of the proposal of the 3rd respondent made in letter No.S4(1)/22909/2010 dated 15.02.2011.

For Petitioners : Mr.L.Chandrakumar
For Respondents : Mr.S.N.Parthasarathi
Government Advocate

O R D E R

With the consent of both sides, the main writ petition is taken up for final disposal.

2. The writ petition is filed seeking Mandamus directing the respondents to regularize the services of the petitioners herein, on completion of ten years of casual labour services respectively and to extend all benefits thereto with reference to the order of the Division Bench made in W.A.No.493 of 2016 dated 25.04.2016 and W.A.No.631 of 2016 dated 13.06.2016 and on the basis of the proposal of the 3rd respondent made in letter No.S4(1)/22909/2010 dated 15.02.2011.

3. It is the case of the petitioners that they were working as casual labourers in Public Works Department for more than 15 years and their service has not been regularized. It is stated in the affidavit that on behalf of the petitioners and other members, whose services have not been regularized, the Tamil Nadu Public Works Department Employees Association, Madurai filed a writ petition in W.P.(MD) No.68 of 2010. The Madurai Bench of this Court, by an order dated 16.02.2010 directed the respondents therein to consider the representation of the petitioners therein on merits.

4. Even thereafter, since no action has been taken for regularizing their service, contempt proceedings were initiated against the respondents. After that the second respondent vide its letter No.S4(1)/22909/2010 dated 15.02.2011 informed the District Secretary that as proposals have been sent for

regularization of services of the members of the association and since there had arisen some break in service of the members, necessary relaxation of rules having been sought for from the Government. Further, under the Right to Information Act, the Public Information Officer had also replied stating that the grievances of 67 daily rated employees, including that of the petitioners herein are under active consideration by the competent authority. In an identical matter, the Division Bench of this Court has also dismissed the appeal preferred by the Government, confirming the order of the Single Judge in W.A.No.631 of 2016, dated 13.06.2016 and W.A.No.493 of 2016, dated 25.04.2016.

5. The petitioners further submitted that as per the G.O.Ms.No.134, 30 persons out of 485 persons were brought into regular service. However, the service of the petitioners herein were not regularized though they were eligible for the same. Hence, the petitioners made representation to regularize their service, but the same was not considered. Hence, the petitioners have come forward with the present writ petition.

6. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

7. Considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioners, directs the first respondent to consider the representation of the petitioners dated 12.07.2016 and pass appropriate order in the light of W.A.No.493 of 2016 dated 25.04.2016 and W.A.No.631 of 2016 dated 13.06.2016 and on the basis of the proposals of the 3rd respondent made in Letter No.S4 (1)/22909/2010 dated 15.02.2011, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Secretary,
Public Works Department,
Fort St.George,
Chennai - 600 009.

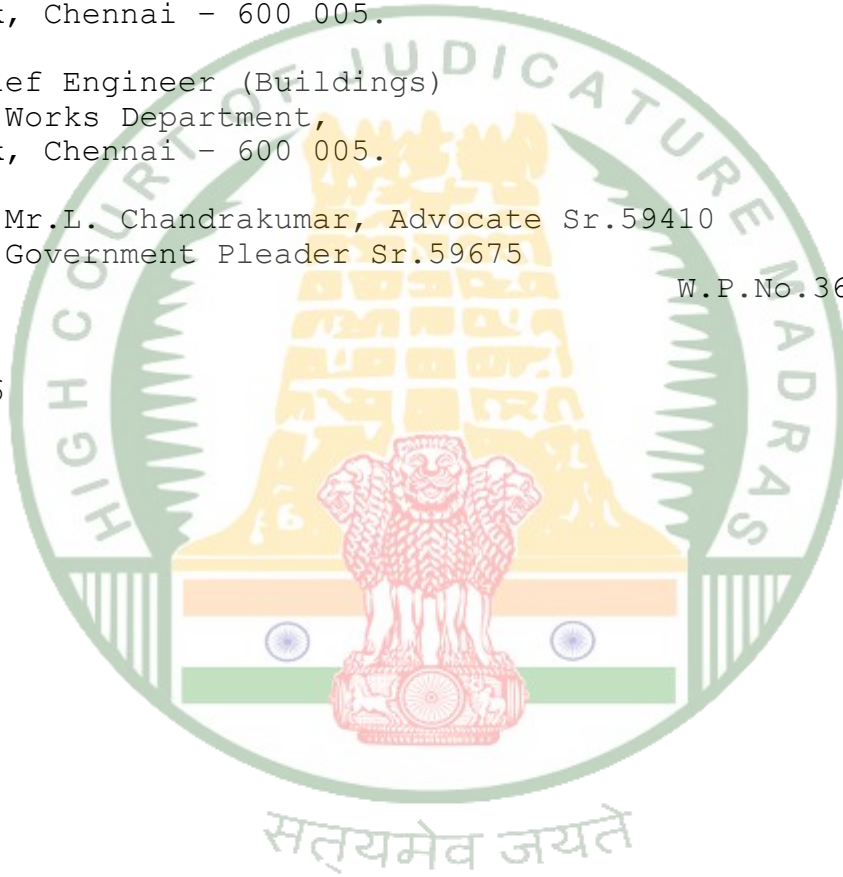
2.The Chief Engineer and Engineer in Chief (General)
Public Works Department,
Chepauk, Chennai - 600 005.

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

+ 1 cc to Mr.L. Chandrakumar, Advocate Sr.59410
+ 1 cc to Government Pleader Sr.59675

W.P.No.36477 of 2016

NR(CO)
EU 2.12.16



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