

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38265 of 2016

And

W.M.P.Nos.32810 and 32811 of 2016

1 G.Kumar
2 A.Moorthy
3 T.Kumar
4 T.Gobal
5 C.Kasi
6 K.Yangamma
7 B.Muthaiya
8 P.Suresh
9 G.Harikrishnan ... Petitioners

Vs.

1 The State of Tamil Nadu Rep. by
The Secretary to Government
Public Works Department,
Secretariat,
Chennai - 9.
2 The Chief Engineer
Public Works Department,
Chepauk,
Chennai - 5.
3 The Assistant Executive Engineer
Public Works Department
Government House Sub Division,
Chennai - 2. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in his Letter No.S.4(1)/ 38610/ 2006 dated 23.6.16 and quash the same and direct the respondents to regularize the service of the petitioners as per the order passed in W.A.No.493/ 16 dated

25.4.16 confirmed by the Honourable apex Court and as per the Govt. Order in G.O. (2D) No.29 PWD (C2) Dept. dated 9.2.16 with all monetary and service benefits.

For Petitioners : Mr.R.Singaravelan
Senior Counsel
for M/s.M.Srividhya
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Certiorarified Mandamus to call for the records on the file of the 2nd respondent in his Letter No.S.4(1)/ 38610/ 2006 dated 23.6.16 and quash the same and direct the respondents to regularize the service of the petitioners as per the order passed in W.A.No.493/ 16 dated 25.4.16 confirmed by the Honourable apex Court and as per the Govt. Order in G.O. (2D) No.29 PWD (C2) Dept. dated 9.2.16 with all monetary and service benefits.

3.The writ petition has been filed on behalf of the petitioners herein as well as similarly placed employees working as Mazdoors for more than ten years. There is a proposal for regularisation of service of the first six petitioners and though the last three petitioners have also completed more than ten years of service, the proposal is not yet sent. The petitioners were appointed as Mazdoors (Assistants) through the Employment Exchange and they have been serving in the said post as full time employees and their duty is to keep the Government Offices and Bungalows under the control of the Public Work Department clean and proper. Their service is required to be regularized as per G.O.No.22, dated 28.02.2006, but unfortunately, their services were not yet regularized inspite of their representations.

4.Earlier the petitioners filed W.P.No.37698 of 2015 and this Court vide order dated 26.11.2015, has given a direction to the second respondent therein to consider their representation dated 11.10.2015 and pass orders within a time frame. Thereafter, the second respondent rejected the claim of the petitioners on the ground that there is no provision for regularisation. Hence, the petitioners have come forward with this writ petition.

5. When the matter is taken up for consideration, the learned counsel appearing for the petitioners, inviting the attention of this Court to the last paragraph of the impugned order and submitted that from the impugned order, it could be seen that only the Government can take a decision in this regard. He further submitted that though the writ petition has been filed seeking to quash the impugned order dated 23.06.2016, the petitioners are now prepared to give representation to the first respondent seeking to regularise their services and if a direction is given to the first respondent to consider the said representation, it would suffice.

6. I have also heard the learned Special Government Pleader who takes notice on behalf of the respondents.

7. Considering the submissions made by the learned counsel appearing for the petitioners and without going into the merits of the case, this Court directs the petitioners to give a fresh representation, along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation, on merits and in accordance with law and also in the light of the order passed in W.A.No.493 of 2016 dated 25.04.2016 and confirmed by the Honourable Apex Court and as per the Government Order in G.O.(2D) No.29, PWD (C2) Department dated 09.02.2016 and pass appropriate orders, within a period of six weeks thereafter.

8. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

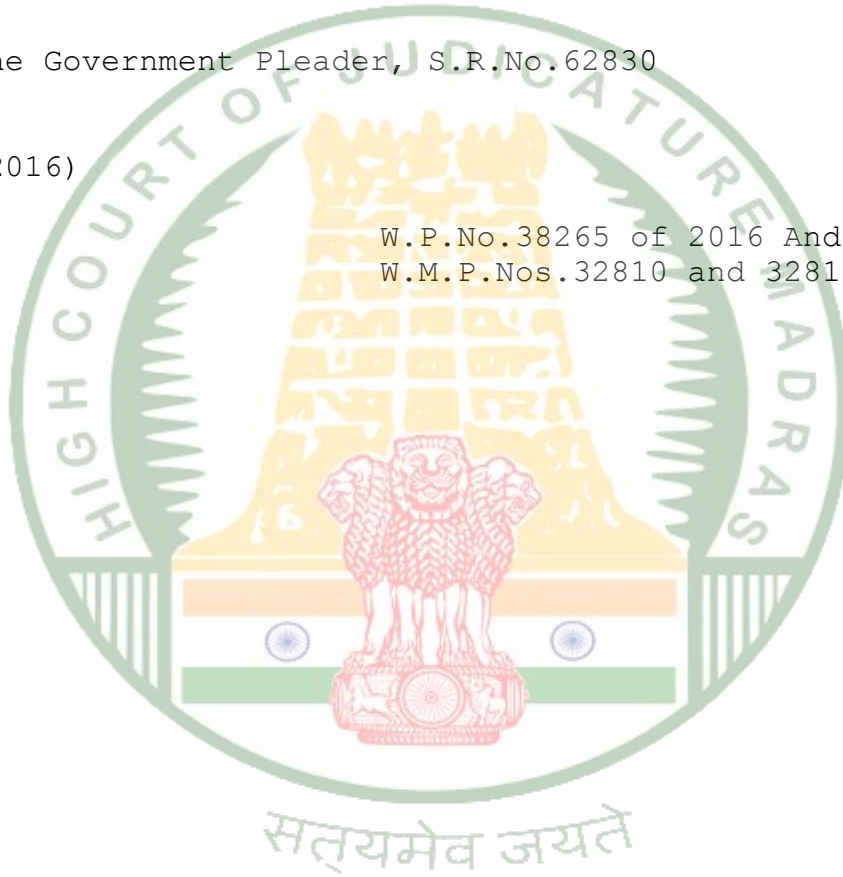
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+1cc to the Government Pleader, S.R.No.62830

ss(CO)
md(23/11/2016)

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