

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38745 of 2016

- 1 R.Arokiaaraj Richard
S/o.P.Rathinam No.40
Rajambal Nagar 2nd
Cross Manjakuppam
Cuddalore 607 001
- 2 K.Sivakami
W/o.Kalyanasundaram
No. 36 Sanjeevi Rayan
Koil Street Pudupalayam
Cuddalore 607 001
- 3 R.Vinothini
D/o.Ramachandran No.7-A
Gandhi Park Street
Cuddalore Port 607 003
- 4 M.Senthilkumar
S/o.N.Muniyandi No.9
Ram Nagar Kondur
Cuddalore 607 001
- 5 C.Jeevagan
S/o.R.Chandran No. 114
Shanmugam Pillai
Street Manjakuppam
Cuddalore 607 001

... Petitioners

vs.

- 1 The State of Tamil Nadu
Rep by the Secretary Public Works
Departments Fort St. George Chennai 9
- 2 The Chief Engineer P.W.D.
(General) and Engineer in Chief W.R.D.
Chepauk Chennai 5

- 3 The Chief Engineer (Buildings)
Public Works Department
Chepauk Chennai 5
- 4 The Executive Engineer
Public Work Department Building
Construction and Maintenance Division
Hospital Road Cuddalore 607 001 ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the claim of the petitioners as annexed to the writ petition for regularization of their services on completion of 10 years of NMR/Casual Labourers services as per G.O.2D.No.29 PWD (C2) Department dated 9.2.2016 on the subject on the basis of representation dated 22.10.2016 with effect from their initial appointment and within a time to be stipulated by this Honourable Court.

For Petitioners : Ms.S.Esai Rani
For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to consider their claim for regularization of their services on completion of 10 years of NMR/Casual Labourers services as per G.O.2D.No.29 PWD (C2) Department dated 9.2.2016 on the subject, on the basis of representation dated 22.10.2016 with effect from their initial appointment and within a time to be stipulated by this Court.

3. It is the case of the petitioners that they were appointed in various divisions of the Public Works Department as Casual Labourers / Nominal Muster Roll commencing from 1997 onwards. All of them have rendered more than the requisite number of years of service for being brought into regular time scale of pay. The Government, by a policy decision, directed regularization of Casual Labourers / NMRs, who have completed ten years of service through G.O.Ms.No.334 dated 19.10.2007 and as per the said G.O., as many as 1056 NMRs were brought into regular time scale of pay. Subsequently, very many Government orders were issued regularizing these types of NMRs into regular time scale of pay by G.O.Ms.No.134 dated 7.5.2010. However, though the petitioners have completed ten years of service, they

were not brought into regular time scale of pay. In this regard, they sent a representation dated 22.10.2016 to the respondents seeking regular time scale of pay. Since the same was not considered so far, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

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

5. 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 second respondent to consider the representation of the petitioners dated 22.10.2016 seeking regularization of their service and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.2D.No.29 PWD (C2) Department dated 9.2.2016, 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.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi
To

- 1 The Secretary Public Works
Departments Fort St. George Chennai 9
- 2 The Chief Engineer P.W.D.
(General) and Engineer in Chief W.R.D.
Chepauk Chennai 5
- 3 The Chief Engineer (Buildings)
Public Works Department Chepauk Chennai 5
- 4 The Executive Engineer
Public Work Department Building
Construction and Maintenance Division
Hospital Road Cuddalore 607 001

+ 1 cc to Mr.S. Esairani, Advocate SR.63162
+ 1 cc to Government Pleader Sr.63955

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NR(CO)
EU 07.12.16