

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40018 of 2016

R.Samyappan

... 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 has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent herein to regularize the service of the petitioner as Helper with effect from the date of completion of 10 years of service as Mazdoor on daily wages granting required relaxations in accordance with the G.O. Nos.680, 402, 334 and 134, Public Works Department dated 16.8.1995, 25.7.2007, 19.10.2007 and 7.5.2010 respectively pursuant to the proposal of the third respondent herein vide letter No. Aa 4(3)/ 13869/ 02 dated 22.8.2006 to the 3rd respondent disposing of his representation dated 13.10.2016 within a stipulated period of time as prescribed by this Court.

For Petitioner :Mr.K.Shanmugam

For Respondents :Mr.S.N.Parthasarathy,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to regularize his service as Helper with effect from the date of completion of ten years of service as Mazdoor on daily wages granting required relaxations in accordance with the G.O. Nos.680, 402, 334 and 134, Public Works Department dated 16.8.1995, 25.7.2007, 19.10.2007 and 7.5.2010 respectively pursuant to the proposal of the third respondent herein vide letter No. Aa 4(3)/ 13869/ 02 dated 22.8.2006 by disposing of his representation dated 13.10.2016 within a stipulated period of time as prescribed by this Court.

3. It is the case of the petitioner that he was appointed as Mazdoor on daily wage basis with effect from 26.12.1986 under the control of the fourth respondent office and is continuing as such as on today. Though he has completed 29 years of service, his service was not regularized as per the Government Orders in G.O. Nos.680, 402, 334 and 134, Public Works Department dated 16.8.1995, 25.7.2007, 19.10.2007 and 7.5.2010 respectively, whereas the services of the similarly placed persons like that of the petitioner, were regularized and they were brought under time scale of pay. In fact, the fourth respondent sent a proposal to the third respondent on 19.6.2006 for regularization of his service from the date of completion of ten years and the third respondent has also sent a proposal vide letter dated 22.8.2006 to the second respondent for regularizing the service of the petitioner as Helper from the date of completion of ten years. Since the same was not considered, the petitioner sent a representation dated 13.10.2016 to the respondents 1 and 2 seeking regularization of his service. Since the same was also not considered, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, 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 petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 13.10.2016 seeking regularization of his service as Helper with effect from the date of completion of ten years of service as Mazdoor on daily wages and pass appropriate orders, on merits and in accordance with law and also based on the proposal of the third respondent herein vide letter No. Aa 4(3)/ 13869/ 02 dated 22.8.2006 and as per the Government Orders in G.O. Nos.680, 402, 334 and 134, Public Works Department dated 16.8.1995, 25.7.2007, 19.10.2007 and 7.5.2010 respectively, 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(CS II)

//True Copy//

Sub Assistant Registrar

sbi

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) 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.

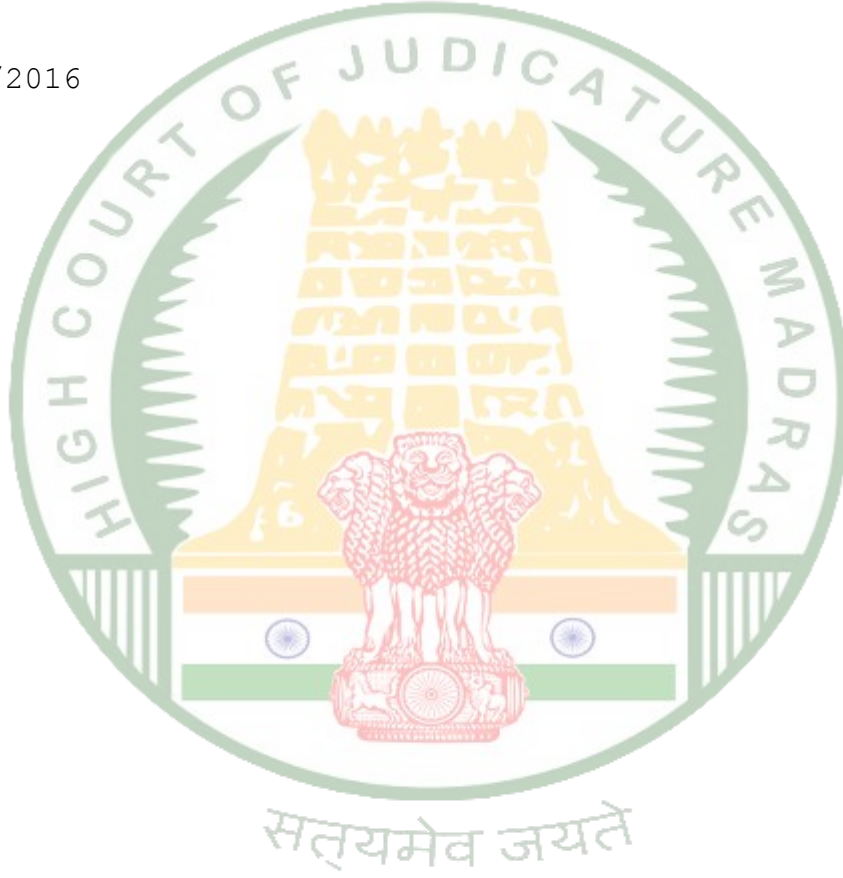
5 The Executive Engineer
PWD/WRO Nanganjar Basin Division Palani
Dindigul District.

+1cc to M/S.K.Shanmugam, Advocate Sr.65931

+1cc to the Government Pleader Sr.66115

W.P.No.40018 of 2016

gm I[co]
srg 10/12/2016



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