

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40588 of 2016

S.Manoharan

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by the Secretary,
Public works Departments,
Fort St. George,
Chennai-9.
 2. The Chief Engineer, (General)
and Engineer in Chief W.R.O.,
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,
Tanjavur.
- ... 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 petitioner's representation dated 10.11.2016 for regularizing his service on and after completion of 10 years service as per the G.O.2D.No.29 PWD(C2) Department dated 09.02.2016.

For Petitioner : Mr.S.Esairani Narasimman

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

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 Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.11.2016.

3. It is the case of the petitioner that the petitioner was engaged as a Casual Labourer/Nominal Muster roll under the control of Building Construction and maintenance sub division, Thanjavur, from the year 1997 and have been discharging his duties continuously with regular fictional break. He has completed more than 18 years of service.

4. The Government by a policy decision directed the regularization of casual labourers/NMRS those who have completed 10 years of service through G.O.Ms.No.334 dated 19.10.2007 and as many as 1056 NMRS were brought into regular time scale of pay to various posts. Thereafter, several Government Orders were issued regularizing these types of NMRS into regular time scale of pay by G.O.Ms.No.134 dated 07.05.2010; about 746 persons were brought into regular time scale of pay. In fact the proposal has been forwarded for about thousand odd persons including the petitioner herein for regularization, but the same is pending with the second respondent for consideration. The petitioner and others also made a representation to the first respondent on 10.11.2016 for consideration to bring them in regular time scale of pay. But, the same has not been considered so far. Hence, the petitioner has come forward with the present petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, directs the petitioner to give a copy of the representation dated 10.11.2016 to the respondents 2 and 3, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the respondents 2 and 3 are directed to consider same and pass appropriate order with

regard to regularize the service of the petitioner in the light of G.O.2D.No.29 PWD(C2) Department dated 09.02.2016, within a period of six weeks thereafter.

7. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Secretary,
Public works Departments,
Fort St. George,
Chennai-9.
2. The Chief Engineer, (General)
and Engineer in Chief W.R.O.,
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,
Tanjavur.

+1cc to Mr.Easairani, Advocate, S.R.No.66823
+1cc to the Government Pleader, S.R.No.67526

pvs (CO)
rs (06/01/2017)

W.P.No.40588 of 2016