

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40828 of 2016

1 C.Vinayagam
2 K.Babu
3 R.Easu
4 E.Ramesh Petitioners

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
Kancheepuram-631 501 ... 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 petitioners representation dated 08.11.16 for regularizing the petitioner service on and after completion of 10 years services on the basis as per the G.O.2D.No. 29 PWD (C2) Department dated 09.02.2016 and within a time to be stipulated by this Honourable Court.

For Petitioners : Mr.S.Esairani Narasimman
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 petition for a mandamus, directing the respondents to consider their representation dated 8.11.2016 for regularization of their service on and after completion of ten years services as per the G.O.2D.No. 29 PWD (C2) Department dated 9.2.2016 and within a time to be stipulated by this Court.

3. It is the case of the petitioners that they were all appointed in various divisions of Public Works Department commencing from 1996 onwards and have been discharging their duties continuously for more than ten years of service. 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. Based on the said GO, as many as 1056 NMRs were brought into regular time scale of pay. Further, by subsequent GO in G.O.Ms.No.134 dated 7.5.2010, about 746 persons were brought into regular time scale of pay. The petitioners are also similarly placed persons. Hence, seeking regularization based on the said GOs, the petitioners sent a representation dated 8.11.2016 to the first respondent. 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 petitioners to make a fresh joint 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 representation 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 Public Works (C2) Department Dated 9.2.2016, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

1. The Secretary
The State of Tamil Nadu
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
Kancheepuram-631 501

+lcc to Mr.S. Esairani, Advocate, S.R.No.67558

+lcc to the Government Pleader, S.R.No.68347

rk(CO)

md(16/12/2016)

W.P.No.40828 of 2016

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