

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.40976 of 2016

R.Bagavathi Kumar

... 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,
Nagarcoil. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to consider the petitioners representation dated 08.11.2016 for regularizing our 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 Petitioner : M/s.S.Esairani Narasimman
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 Mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 08.11.2016 for regularizing our 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 Court.

3.In the petition it is stated that the petitioner was engaged as Casual Labourers/ Nominal Muster Roll under the control of Building Maintenance Sub Division, Nagarcoil from the year 1993 onwards. Petitioner has been discharging duties continuously with regular fictional break and have completed more than 20 years of service for being brought into regular time scale of pay as per the policy of the Government.

4.It is further stated that inspite of the proposals and recommendation for favorable consideration, their claims were kept pending. However, the Government orders came to be issued regularizing the services of nearly about 2000 casual labourer like that of the petitioner. The Government by a Policy decision directed regularization of casual labourers/ NMRs those who have completed 10 years of services 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. Subsequently, very many Government orders were issued regularizing these types of NMRs into regular time scale of pay and by G.O.Ms.No.134 dated 07.05.2010, about 746 persons were brought into regular time scale of pay. The proposals forwarded for about thousand and odd persons including the petitioner are pending with the second respondent for consideration. They also made representation in this regard, but the same has not been considered. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to annex a copy of the representation dated 08.11.2016, along with a copy of this order to the respondents 2 and 3, within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3 on receipt of the same are directed to consider the said representation and pass appropriate orders, on merits and in accordance with law,

within a period of twelve weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 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,
Nagarcoil.

+1cc to Mr.S. Esairani, Advocate, S.R.No.67647
+1cc to the Government Pleader, S.R.No.68366

ks (CO)
md(09/12/2016)

सत्यमेव जयते

W.P.No.40976 of 2016

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