

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41174 of 2016

1.M.Selva Micheal
2.S.Balasubramanian
3.V.Santhana Kumar 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 Executive Engineer
W.R.O/P.W.D Public Work Department Citraru
Basin Division Tenkasi - Tirunelveli-Dt
.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 12.11.2016 for regularizing the petitioner's service on and after completion of ten years services on the basis as per the G.O.2D. No.29 PWD (C2) Department dated 9.2.2016 and within a time to be stipulated by this Honourable court.

For Petitioners : M/s.P.Arul Mathi
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 second respondent to consider their representation dated 12.11.2016 for regularizing their service on and after completion of ten years as per the G.O.2D. No.29 PWD (C2) Department dated 9.2.2016, within a time to be stipulated by this Court.

3. It is the case of the petitioners that they are all working in Citraru Basin Division, Tenkasi as Casual Labourers / Nominal Muster roll, commencing from 1995 onwards and have completed 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 which 1056 NMRs were brought into regular time scale of pay to various posts. The petitioners are also similarly placed persons and they are also entitled for the same. In this regard, the third respondent vide letter 1.6.2010 sent a proposal to the Superintending Engineer to regularize the service of the petitioners, who in turn, sent a proposal to the second respondent to regularize their service. The petitioners have also sent a representation dated 12.11.2016 to the second respondent to consider their claim for regularization of their service. 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 12.11.2016 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 and based on the proposals dated 1.6.2010 and 28.6.2016, 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(CO)

//True Copy//

Sub Assistant Registrar

sbi

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 Executive Engineer
W.R.O/P.W.D Public Work Department Citraru
Basin Division Tenkasi - Tirunelveli-Dt

+1cc to the Government Pleader, S.R.No.68799

mv(CO)
md(25/11/2016)

W.P.No.41174 of 2016

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