

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42296 of 2016

1 C.Paulraj
2 S.Baskaran
3 N.Mohanraj
4 A.P.Pushpanathan
5 P.Sampath Kumar
6 M.Kumar
7 L.Mary Quindiliya
8 C.Balraj @ Balan
9 R.Vijayarani ... 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
Uthagamandalam 643 002

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd and 3rd respondents to consider the petitioners' representation dated 21.11.2016 for regularizing their service on and after completion of 10 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 Court.

For Petitioners :Ms.S.Esairani Narasimman

For Respondents :Mr.O.Selvam,
Govt. Advocate.

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 2 and 3 to consider their representation dated 21.11.2016 for regularizing their service on and after completion of ten years services as per 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 Building Construction Maintenance, Sub Division, Uthagamandalam, under the control of the Public Works Department as NMRs commencing from 1995 onwards and all of them have completed ten years of service. Though they have completed ten years of service, in spite of proposal and recommendations for favourable consideration of their claims for being brought into regular time scale of pay, they have not been brought into regular time scale of pay. The Government of Tamil Nadu by a policy decision, directed regularization of casual labourers / NMRs, those who have completed ten years of service through G.O.Ms.No.334 dated 19.10.2007, pursuant to which, as many as 1056 NMRs were brought into regular time scale of pay. 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 7.5.2010, about 746 persons were brought into regular time scale of pay. In this regard, the petitioner sent a representation dated 21.11.2016 to the respondents seeking regularization of their service as per G.O.2D.NO. 29 PWD (C2) Department dated 9.2.2016. 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 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 petitioners, this Court directs the petitioners to send a fresh 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 said representation seeking regularization of their service on completion of ten years of service and pass appropriate orders, on merits and in accordance with law and also as per G.O.2D.NO. 29 PWD (C2) Department dated 9.2.2016, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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
Uthagamandalam 643 002

+1cc to M/S.Isairani Narasimman, Advocate Sr.70850

W.P.No. 42296 of 2016

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