

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42301 of 2016

1. R.Thangavel
2. R.Palanisamy
3. D.Subramani
4. K.Jeganathan
5. K.Semalai
6. K.Arumugam
7. S.Sakthivel
8. N.K.Palanisamy
9. A.Deivasigamani
- 10.V.Palanisamy

.... Petitioners

Vs

- 1.The State of Tamilnadu
rep. by its Secretary
Highways Department
Fort St. George Chennai-9
- 2.The Principal Director
Highways Department Chennai-5
- 3.The Divisional Engineer
Highways Erode Division
Erode District
- 4.The Divisional Engineer
Highways Karur Division
Karur District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first Respondent to reinstate the petitioner herein in service so as to enable the regularisation of the petitioner service and to regularise the service of the petitioner with effect from the date of completion of three years of service in the light of orders issued in Govt. Lr.No. 4507 / HM2 / 2009-26 dated 02.06.2011 of the 1st Respondent and Memo No. 604 / Nir.4 (3) /2009 dated 03.06.2011 of the second Respondent and considering the petitioner representation dated 20.08.2014.

For Petitioners : Mr.G.Punniyakotti
For Respondents : Mr.K.Dhananjayan,
Special Government 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 first respondent to reinstate them into service and to regularise their service with effect from the date of completion of three years of service in the light of the orders issued in Govt. Lr.No. 4507 / HM2 / 2009-26 dated 2.6.2011 of the first respondent and Memo No. 604 / Nir.4(3) /2009 dated 3.6.2011 of the second respondent by considering their representation dated 20.8.2014.

3. It is the case of the petitioners that they joined service as NMRs on daily wage basis in the year 1980 to 1991 in the High ways Sub-Division, Erode, Erode Division. But, their services have not been regularized and they were not absorbed in permanent establishment. In spite of their frequent representations for regularization of their service, they were terminated from service in the year 2002.

4. Learned counsel appearing for the petitioners submitted that one V.Kaliappan and 26 others, who are similarly placed workers, approached this Court by filing a writ petition in W.P.No.36623 of 2004 and this Court allowed the said writ petition, against which, the respondents filed a writ appeal in W.A.No.1260 of 2008 and the said writ appeal was dismissed on 11.12.2009. Thereafter, the respondents filed SLP (CC) No.14093 of 2010 before the Hon'ble Supreme Court against the judgment dated 11.2.2009 made in W.A.No.1260 of 2008 and the Hon'ble Supreme Court by an order dated 27.9.2010 dismissed the Special Leave Petition and directed the petitioners therein to give effect to the orders of the learned single judge to regularize the service of the respondents therein. On the basis of the above judgment, the Government in Lr.No.4507/HM2/2009-26 dated 2.6.2011, decided to regularize the services of the employees, who have completed three years of services as NMR worker and accordingly, their services were regularized. Since the petitioners are also similarly placed, they are also entitled to the same benefits since they have completed ten years of service on daily wage basis. In this regard, the petitioners submitted a representation dated 20.8.2014 to the respondents. But, the respondents have not taken any steps to regularize their

service. Hence, left with no other alternative, the petitioners have come forward with the present writ petition.

5. I have also heard the learned Special Government Pleader, who takes notice for the respondents.

6. 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 give a fresh / individual 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 same in the light of Govt.Lr.No.4507/HM2/2009-26, dated 2.6.2011 of the first respondent and Memo No.604/Nir.4(3)/2009 dated 3.6.2011 of the second respondent and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereafter. The present writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Secretary
Highways Department
Fort St. George Chennai-9

2.The Principal Director
Highways Department Chennai-5

3.The Divisional Engineer
Highways Erode Division
Erode District

4.The Divisional Engineer
Highways Karur Division
Karur District.

+lcc to Mr.G.Punniyakotti, Advocate, S.R.No.70894

+lcc to the Government Pleader, S.R.No.71304

W.P.No. 42301 of 2016

SAI(CO)
CA(15/12/2016)