

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.42324 of 2016

1.S.Vettyvel Kumar
2.P.Krishnan
3.Y.Mahesh
4.S.Vedananth
5.G.Richard Dhas
6.T.Jeba Daya

... Petitioners

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Public Works Department,
Fort St. George, Chennai-600 009.

2.The Chief Engineer and Engineer in Chief (General)
Public Works Department,
Cepauk, Chennai-600 005.

3.The Chief Engineer (Buildings)
Public Works Department,
Chepauk, Chennai-600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to regularise the services of the petitioners, on completion of ten years of casual labour services respectively and to extend all benefits thereto with reference to the order of the Division Bench made in W.A.No.493 of 2016, dated 25.04.2016 and W.A.No.631 of 2016, dated 13.06.2016 and on the basis of the representation dated 20.09.2016.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.S.N.Parthasarathi, GA

ORDER

By consent of both sides, the writ petition is taken up for final disposal.

2.The present writ petition has been filed by the petitioners, praying for issuance of a Writ of Mandamus, directing the respondents to regularise the services of the petitioners, on completion of ten years of casual labour services respectively and to extend all benefits thereto with reference to the orders of the Division Bench of this Court made in W.A.No.493 of 2016, dated 25.04.2016 and W.A.No.631 of 2016, dated 13.06.2016 and on the basis of the representation dated 09.09.2016 given by the petitioners.

2-1.It is stated by the petitioners that they are working as Casual Labourers in the Public Works Department and they are the members of the Tamil Nadu Public Works Department Employees Association. It is the grievance of the petitioners that though they have put in more than 10 years of service, their services were not regularised.

2-2.It is stated that the Government had passed an order vide G.O.Ms.No.22 P & AR dated 28.02.2006, prescribing the cut of date as 01.01.2006 for regularising the services of the casual labourers who have put in 10 years of service. However, it is alleged by the petitioners that subsequently, on the basis of the Government order in G.O.Ms.No.334, PWD, dated 19.10,2007, services of many of the casual labourers who were placed similarly to that of the petitioners herein, have been regularised. Hence, the petitioners made representations to the respondents, through individually as well as through their Association, seeking to extend the benefits to the petitioners as given to the similarly placed employees. However, their request was not considered by the respondents.

2-3.In this regard, the said Association had earlier filed a writ petition in W.P.(MD).No.68 of 2010 seeking to direct the respondents to consider their request for regularising their service. In this said writ petition, by order dated 16.02.2010, this Court directed the respondents to consider the representation of the petitioner with regard to regularization of their service and to pass orders.

2-4.While the petitioners were expecting the regularisation of their service, the Government has issued an order vide G.O.Ms.No.74, P & AR, dated 27.06.2013, framing and formulating certain directives and guidelines to regularisation of the services of the casual labourers.

2-5.The petitioners would further state that the similar issue was considered by the Division Bench of this Court in W.A.No.493 of 2016, vide order dated 25.04.2016 as well as in W.A.No.631 of 2016, dated 13.06.2016, wherein it has been held that the said G.O.Ms.No.74, dated 27.06.2013, can have only prospective effect, so to say that persons who would be completing 10 years of service on or after 27.06.2013 can alone be denied such consideration of regularisation of service. According to the petitioners, they are entitled for regularisation of their service. Hence, narrating the above facts, the petitioners have given representation to the respondents on 20.09.2016 seeking to regularise their service. Since the petitioners' representation was not considered, they have come forward with the present writ petition.

3.Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the respondents and perused the materials available on record.

4.Considering the submissions made on either side, without expressing any opinion on the merits of the claim made by the petitioners, this Court directs the petitioners to give a fresh representation, along with a copy of this order, to the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 1st respondent is directed to consider the same, in the light of the orders of the Division Bench of this Court made in W.A.No.493 of 2016, dated 25.04.2016 and W.A.No.631 of 2016, dated 13.06.2016 as well as in the light of the Government Order in G.O.(2D).No.29, PWD (C2) department, dated 09.02.2016, and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

With the above terms, the writ petitioner is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

SSV

To

1.The Secretary,
State of Tamil Nadu
Public Works Department,
Fort St. George, Chennai-600 009.

2.The Chief Engineer and Engineer in Chief (General)
Public Works Department,
Cepauk, Chennai-600 005.

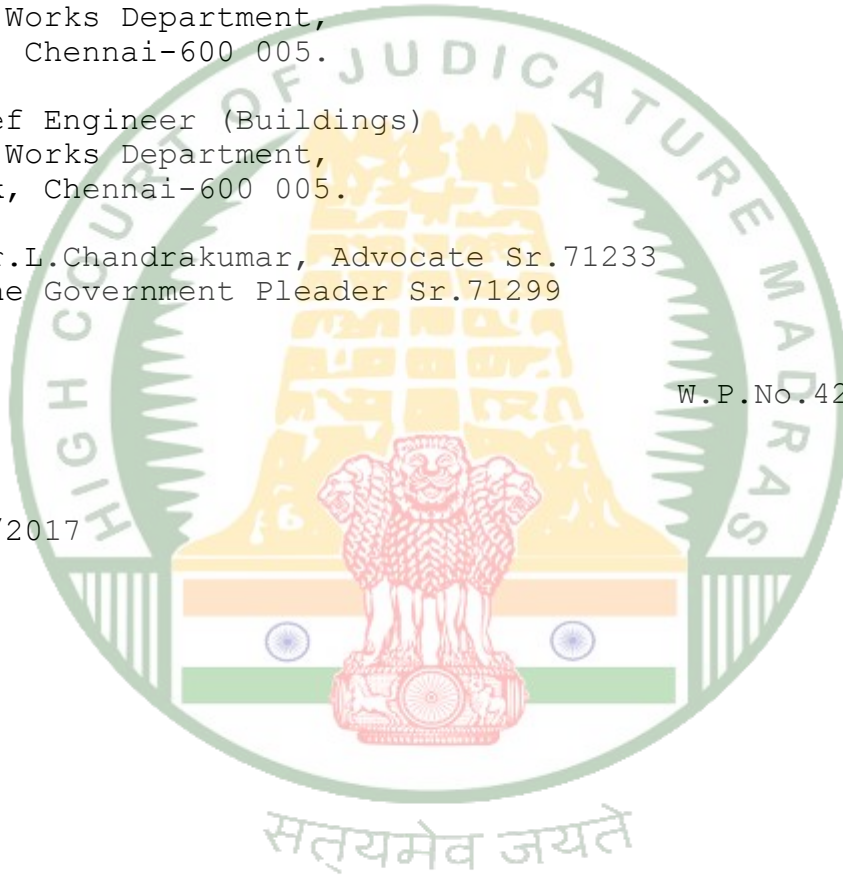
3.The Chief Engineer (Buildings)
Public Works Department,
Chepauk, Chennai-600 005.

+1cc to Mr.L.Chandrakumar, Advocate Sr.71233

+1cc to the Government Pleader Sr.71299

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