

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42512 of 2016

1.R.Govindaraj
2.K.Vasanthi

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary,
Public Works Departments,
Fort St. George, Chennai-9.

2.The Principal Chief Engineer (Building),
Public Works Department,
Chepauk, Chennai-5.

3.The Executive Engineer,
South Presidency Division,
Chepauk, Chennai-5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondent to consider the petitioners representation dated 22.11.2016 for regularizing their services 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, within a time to be stipulated by this Court.

For Petitioners : Mr.S.Esarirani Narasimman

For respondents : Mr.K.Dhananjayan, Spl GP

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ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 22.11.2016 given by the petitioners for regularizing their services, as per the G.O.2D.No.29, PWD (C2) Department, dated 09.02.2016, within a time frame.

2-1.It is stated by the petitioners that they are working as NMR (Nominal Muster Roll) on contract basis, in the Public Works Department, from the year 1996 and they are discharging their duties continuously with regular fictional break and

they have completed more than 10 years of service. They made a claim for bringing them into regular time scale of pay. In spite of proposals and recommendation for favorable consideration, their claims were kept pending without any consideration.

2-2.It is further stated by the petitioners that the Government by a policy decision directed for regularization of NMRs, who have completed 10 years of service, through G.O.Ms.No.334, dated 19.10.2007 and pursuant to the same, as many as 1056 NMRs were brought into regular time scale of pay to various post. Subsequently, very many Government Orders were issued regularizing these types of NMRs into regular time scale of pay by G.O.Ms.No.134, dated 07.05.2010. But, the petitioners' claim for bringing them into regular time scale of pay, was not considered by the respondents. Hence, the petitioners made a representation dated 22.11.2016 seeking for regularization of their service, but the same was not considered by the respondents. Hence, the petitioners have come forward with the present writ petition.

3.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4.Considering the limited scope of the prayer sought for by the petitioners in the present writ petition, without expressing any opinion on the merits of the claim made by the petitioners, this Court directs the respondents to consider the representation dated 22.11.2016 given by the petitioner, 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 from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ssv

To

1.The Secretary,
State of Tamil Nadu,
Public Works Departments,
Fort St. George, Chennai-9.

2.The Principal Chief Engineer (Building),
Public Works Department,
Chepauk, Chennai-5.

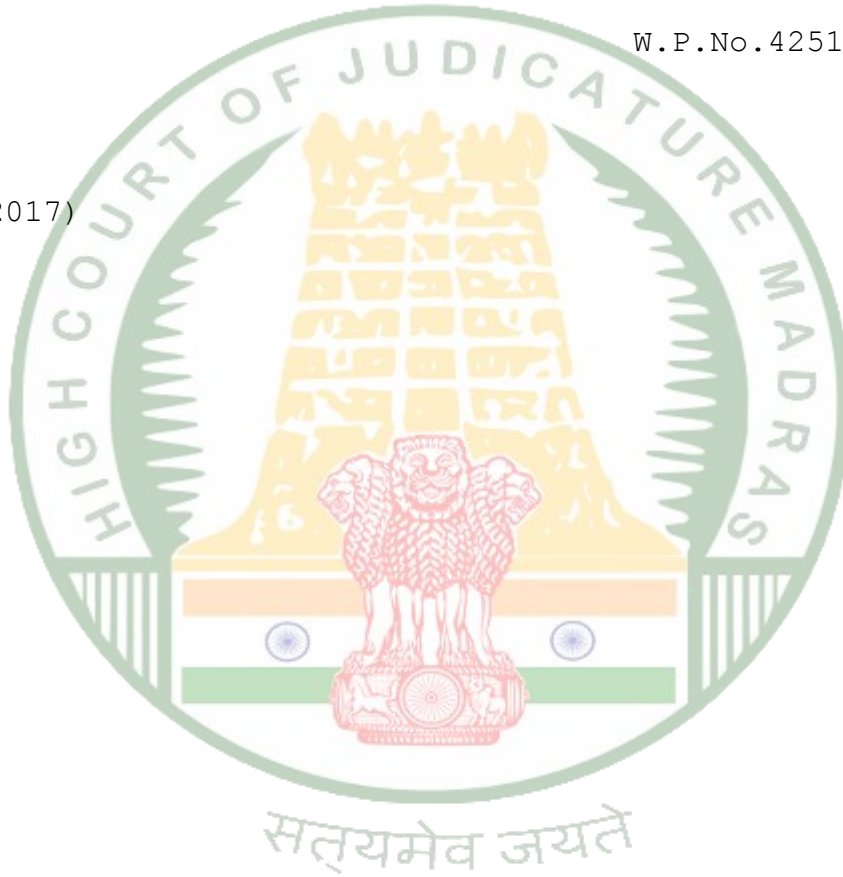
3.The Executive Engineer,
South Presidency Division,
Chepauk, Chennai-5.

+1cc to Mrs.P.Esairani Narasimman, Advocate sr.71456

+1cc to The Government Pleader sr.71690

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