

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43468/2016

V.Sivaraman

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Petitioner

Vs.

- 1.The Secretary to Government
Public Works Department, Fort
St George, Chennai-9.
- 2.The Engineer in Chief
Water Resources Department &
Chief Engineer [General]
Public Works Department,
Chepauk, Chennai 600005.
- 3.The Engineer in Chief [Buildings] &
Chief Engineer [Buildings]
Chennai Region, Public Works
Department, Chepauk,
Chennai 600 005.
- 4.The Superintending Engineer,
Public Works Department
Electrical Circle, Chepauk
Chennai 600 005.
- 5.The Electrical Engineer,
Public Works Department
Electrical Division [Medical Works],
Chepauk, Chennai 600 005.
- 6.The Assistant Executive Engineer
Public Works Department
Electrical Sub Division [Medical Works],
Government Women & Children Hospital
Campus, Egmore, Chennai 600 008.
- 7.The Assistant Engineer [Electrical]
Public Works Department [Medical Works],
Government Institute of Medical Health
Kilpauk, Chennai 600010.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to notionally fix the pay of the petitioner retrospectively with effect from the date of completion of 10 years of service as NMRs and grant with monetary benefits from the date of the Government Order in G.O.Ms.No.334, Public Works Department dated 19.10.2007 as it has been extended to similarly placed employees in G.O.Ms.No.124, Public Works Department dated 15.05.2008 and grant him selection grade from the date of completion of 10 years of service.

For Petitioner : Mr.A.Arulmozhi

For Respondents: Mr.P.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was originally appointed as a Non Muster Roll employee in the services of the Public Works Department as an Electrical Helper on daily wages basis on 10.05.1993 and got promotion as Wireman Grade-II on 01.04.1988 and completed ten years of service on 01.07.2003 and his service was regularised vide G.O.Ms.No.334, Public Works Department dated 19.10.2007 and at present, working as Wireman Grade-II [changed as Skilled Assistant Grade-II]. The grievance expressed by the petitioner is that the monetary benefits was given to him only from the date of issuance of the Government Order and not from the date of completion of ten years of service. The petitioner, in this regard, has submitted a representation dated 12.06.2010 to the Chief Engineer, to implement the Letter No.S4[1]/30650/2010 dated 26.03.2010 and it was rejected by the order dated 04.06.2014. The petitioner would claim that subsequently, WP.No.13883/2013 was filed by 36 employees before this Court, praying for similar relief and it was positively disposed of on 10.06.2013. The petitioner, in this regard has also submitted a representation to the Hon'ble Chief Minister Special Cell on 19.11.2013, to take into consideration, the above said judgment and to pass an appropriate order. The petitioner would further contend that in WA.Nos.168 and 169/2012 also, a Division Bench of this Court, vide Judgment dated 08.08.2014, had allowed the writ appeals and issued appropriate direction to the respondents therein to notionally fix the pay of the appellants/writ petitioners therein retrospectively with effect from the date of completion of 10 years of service as NMRs with monetary benefits from the date of the Government Order dated 19.10.2007, as it has been extended to others in G.O.Ms.No.124, Public Works Department, dated 15.05.2008. The petitioner submitted a representation dated 10.03.2015 to the 1st respondent, through proper channel, to consider his

claim in the light of the above cited judgment dated 08.08.2014 made in WA.Nos.168 & 169/2012 and despite the receipt and acknowledgment, it has not been given disposal and hence, the petitioner came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 10.03.2015 on merits and in accordance with law, after taking note of the judgment dated 08.08.2014 made in WA.Nos.168 & 169/2012 [A.BABYSABEENA AND 230 OTHERS AND V.GANESAN AND 11 OTHERS Vs. THE PRINCIPAL SECRETARY, STATE OF TAMIL NADU, PUBLIC WORKS DEPARTMENT, FORT ST GEORGE, CHENNAI-9 AND 2 OTHERS] as well as G.O.Ms.No.206, Public Works [C2] Department, dated 26.09.2014 and pass orders within a period of three months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

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Public Works Department [Medical Works],
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Kilpauk, Chennai 600010.

+ 1 cc to M/s. Arulmozhi, Advocate SR.73820
+ 1 cc to Government Pleader Sr.74443

WP.No.43468/2016

MP (CO)

EU 24.1.17



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