

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43773 of 2016

1. P.Lekeesh
 2. P.Sanjayan
 3. O.P.Mahesh
 4. K.Vijayan
 5. Sajeendran Meethal
 6. K.Raveendran
 7. V.K.Sukumaran
 8. K.M.Surendran
 9. Sirosh
- ... Petitioners

-vs-

1. The Union of India
rep.by the Chief Secretary to Government
Government of Union Territory of Puducherry
Puducherry
 2. The Secretary to Government
Local Administration Department
Government of Union Territory of Puducherry
Puducherry
 3. The Director of Local Administration
Government of Union Territory of Puducherry
Puducherry
 4. The Commissioner
Mahe Municipality
Mahe
- .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to consider the representations of the petitioners
dated 21.03.2016 and 12.07.2016 for re-engaging their services
on casual basis and for regularization.

For Petitioners:: Mr.D.Bharatha Chakravarthy
for M/s Sai, Bharath & Ilan

For Respondents:: Ms.D.Reena Iswariya
Additional Government Pleader(P)

ORDER

All the nine petitioners, being sponsored by the Mahe employment exchange and after passing through the interview and physical fitness test, were engaged by the fourth respondent Municipality on daily wage basis for conservation work during the period 1997 to 2004. When they were working regularly as casual labourers till the year 2007, there was no impediment for continuation of their services. But after 2007, they were not paid with any salary. Therefore, a representation dated 3.1.2007 was made to the Commissioner, Mahe Municipality and finally the fourth respondent decided to absorb the petitioners on regular basis by means of a resolution and the said resolution was also forwarded to the Director of Local Administration, Government of Union Territory of Puducherry on 24.4.2008. Pursuant thereto, all the petitioners were directed to produce their educational and other certificates for verification. But the proposal for regularizing their services did not materialise. However, they were allowed to continue in service till June, 2009. From July 2009, the fourth respondent Municipality even stopped engaging their services regularly. In the meanwhile, considering the plight of the casual labourers such as the petitioners, the Government of Union Territory of Puducherry framed a scheme for regularization in G.O.Ms.No.2/LAS/2011 dated 27.5.2011, by which all the employees who were in service as on 27.2.2009 performing the work of the Municipality were directed to be included in the list of casual employees for absorption. But in the present case, the fourth respondent did not prepare the list including the names of the petitioners, although they were in service as on 27.2.2009. Therefore, representations were given to the respondents on 21.3.2016 and 12.7.2016 seeking to regularize their services. But till date the representations have not been considered. Hence the petitioners have filed the present writ petition.

2. Ms.D.Reena Iswariya, learned Additional Government Pleader (Pondy), taking notice on behalf of the respondents, sought two weeks time to consider the representations of the petitioners.

3. In view of the above, this Court hereby directs the respondents to consider the pending representations of the petitioners on merit and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt

of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ss

To

1. The Chief Secretary to Government
Union Territory of Puducherry
Puducherry
2. The Secretary to Government
Local Administration Department
Government of Union Territory of Puducherry
Puducherry
3. The Director of Local Administration
Government of Union Territory of Puducherry
Puducherry
4. The Commissioner
Mahe Municipality
Mahe

1 cc to M/s. Sai Bharath and Ilan, Advocate, Sr. 74983
1 cc to Government Pleader, Sr. 76442

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