

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43970 of 2016

R.Muthusami

.. Petitioner

-vs-

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

2. The Principal Chief Engineer (General)
and Engineer in Chief W.R.O.
Chepauk
Chennai 600 005

3. The Executive Engineer, W.R.O./P.W.D
Public Works Department
Citraru Basin Division, Tenkasi

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to consider the claim of the petitioner as annexed to the writ petition for regularization of service on completion of 10 years of NMR/Casual Labourers services as per G.O.2D No.29, PWD(C2) Department dated 09.02.2016 on the subject, on the basis of representation dated 29.11.2016 with effect from the petitioner's initial appointment and within a time to be stipulated by this Hon'ble Court.

For Petitioner :: Ms.P.Arul Mathi

For Respondents :: Mr.K.Dhananjayan
Special Government Pleader

ORDER

The petitioner has come to this Court seeking a writ of mandamus, directing the Principal Chief Engineer (General) and Engineer in Chief, W.R.O., Chennai to consider his case for regularization on completion of ten years of service as NMR/casual labourer, as per G.O.(2D)No.29, Public Works (C2)

Department dated 9.2.2016, on the basis of the representation dated 24.6.2015 and 29.11.2016 within a reasonable time to be fixed by this Court.

2. Mr.K.Dhananjayan, learned Special Government Pleader takes notice on behalf of the respondents.

3. The petitioner has been working in Citraru Basin Division, Tenkasi under the control of the W.R.O./P.W.D., on daily wages from 1995 as per the service certificate issued by the Executive Engineer, W.R.O./P.W.D., Citraru Basin Division, Tenkasi dated 14.6.2010. It is also further claimed that the proceedings dated 1.6.2010 addressed by the Executive Engineer, W.R.O./P.W.D., Citraru Basin Division, Tenkasi to the Superintending Engineer, W.R.O./P.W.D., Tamirabarani Basin Division, Tirunelveli also shows that the petitioner has completed ten years of service and based on the said proceedings, the Superintending Engineer, W.R.O./P.W.D., Tamirabarani Basin Division, Tirunelveli has also forwarded the list to the Chief Engineer, W.R.O./P.W.D., Madurai vide his proceedings dated 28.6.2010. Therefore, the petitioner has given representations on 24.6.2015 and 29.11.2016 requesting the Principal Chief Engineer (General) and Engineer in Chief, W.R.O., Chennai, the second respondent herein to consider his claim for regularization and to bring him in the regular time scale of pay. But till date, the second respondent has not come forward to answer his prayer. Hence he has been advised to come to this Court.

4. The learned Special Government Pleader for the respondents also submitted that the representations of the petitioner will be considered on merit, as the proposals have already been submitted in this regard.

5. This Court, considering the limited relief, hereby directs the second respondent to consider the representations of the petitioner dated 24.6.2015 and 29.11.2016 on merit, in the light of G.O.(2D)No.29, Public Works (C2) Department dated 9.2.2016 and the proposals dated 1.6.2010 and 28.6.2010 as mentioned above, and pass appropriate orders in accordance with law within a period of eight 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 Secretary to Government
Public Works Department
Fort St. George
Chennai 600 009

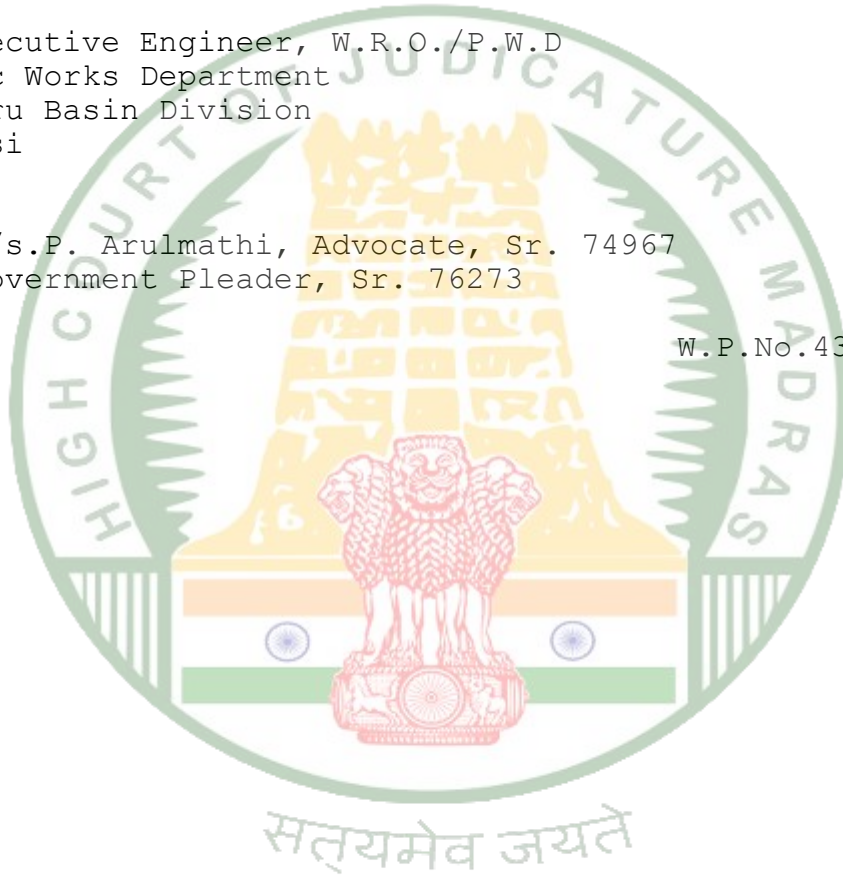
2. The Principal Chief Engineer (General)
and Engineer in Chief, W.R.O.
Chepauk
Chennai 600 005

3. The Executive Engineer, W.R.O./P.W.D
Public Works Department
Citraru Basin Division
Tenkasi

1 cc to M/s.P. Arulmathi, Advocate, Sr. 74967
1 cc to Government Pleader, Sr. 76273

W.P.No.43970 of 2016

MP (CO)
kk 18/1



WEB COPY