



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.21235 of 2016

- 1.V.Nagarajan
- 2.A.Rajendran
- 3.K.Radhakrishnan
- 4.T.Agastin
- 5.K.Eswari
- 6.N.Shanthi
- 7.N.Chandran
- 8.L.Rathinam
- 9.K.Ganesan
- 10.R.Amanullah Khan
- 11.S.Pen Siro Billa
- 12.A.Varatha Muneesvaran

... Petitioners

-vs-

1. The State of Tamil Nadu represented by the
Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 13.08.2016 and to extend the service benefits made in judgment dated 08.08.2014 in W.A.Nos.168 and 169 of 2012 to the petitioners within a stipulated time may be fixed by this Hon'ble Court.

For Petitioners : Mr.M.Saravanakumar

For Respondents : Mr.M.Murugan
Govt. Advocate

O R D E R

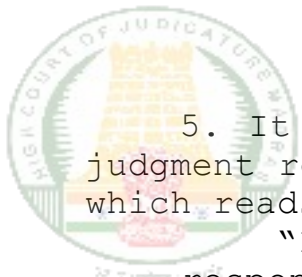
This writ petition has been filed, seeking to direct the respondents to consider the petitioner's representation dated 13.08.2016 and to extend the service benefits made in judgment dated 08.08.2014 in W.A.Nos.168 and 169 of 2012 to the petitioners



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. It is the case of the petitioners that they were initially appointed as Mazdoor in Public Works Department as NMR and on completion of 10 years of service and in accordance the order issued by the Government in G.O.Ms.No.334 Public Works Department dated 19.10.2007, their services were brought into regular time scale of pay and consequently their services were regularized in the cadre of Helper Grade-II; that as per orders of the Government, the petitioners were absorbed in the permanent vacancy in Public Works Department; that there were several Government orders, viz., G.O.Ms.No.1035, Public Works Department, dated 14.04.1976, to G.O.Ms.No.141, Public Works Department, dated 20.03.2007, vide which several NMRs were brought into regular establishment and those Government Orders also extended the benefit of regularisation on completion of 10 years of NMR service and directed that the incumbents were eligible to get notional pay fixations and allowances as per orders in force with retrospective effect, except the G.O.Ms.No.334, dated 19.10.2007, wherein the benefits were conferred only from the date of Government Order; that aggrieved against paragraph 3(ii) of the G.O.Ms.No.334, whereby the financial benefit was sought to be reckoned from the date of issue of the Government Order, Writ Petitions were filed before the Principal Bench in W.P.Nos.1286/2009 and 502/2010 and the same was dismissed, against which, Writ Appeal was filed in W.A.Nos.168 and 169 of 2012 and the same was allowed by the Hon'ble Court Division Bench of this Court on 08.08.2014; that against the order dated 08.08.2014 made in W.A.Nos. 168 and 169 of 2012, the respondents filed an appeal before the Hon'ble Apex Court in SLP (C) No. 9122 - 9123 of 2016 and the same was dismissed by the Hon'ble Supreme Court on 29.06.2016, thereby the issue attained finality; that the petitions made a representation to the respondents on 13.08.2016, requesting to extend the benefits of judgment made in W.A.No.168 and 169 of 2012 to them. But the respondents have not yet passed any order on the same and therefore, having left with no other remedy, they have approached this Court with the relief stated supra.

4. Learned counsel for the petitioners would submit that though the 1st respondent addressed a letter to the 2nd respondent in D.O.Letter No.7006/C2/2013-24 dated 15.07.2016 for compliance of the orders passed in W.A.Nos.168 and 169 of 2012 dated 08.08.2014, no steps were taken so far by the 2nd respondent, which compelled the petitioners to send a representation dated 13.08.2016. He would further submit that it would suffice, if the representation of the petitioners is considered by the respondents in accordance with the direction issued by the Hon'ble Division Bench of this Court in W.A.Nos.168 and 169 of 2012.



5. It is appropriate to extract the operative portion of the judgment rendered in W.A.Nos.168 and 169 of 2012 dated 08.08.2014, which reads as follows:

"17. In fine, the Writ Appeals are allowed and the respondents are directed to notionally fix the pay of the appellants/petitioners 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. Such exercise shall be commenced and completed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order. No costs."

6. Learned Government Advocate would submit that it is agreeable for the respondents to consider the representation of the petitioners dated 13.08.2016 within a reasonable time.

7. Under such circumstances, the respondents are directed to consider the representation of the petitioners dated 13.08.2016 and to pass suitable orders thereon on merits and in accordance with law in the light of the judgment passed in W.A.Nos.168 and 169 of 2012 dated 08.08.2014 within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(ASs)

/True copy/

Sub Assistant Registrar

To

1. The State of Tamil Nadu represented by the Secretary to Government, Public Works Department, Secretariat, Fort St. George, Chennai - 600 009.

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

+2cc to Mr.M.Saravana kumar, Advocate SR.No.66059

+1cc to special Government Pleader SR.No.66303

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