

In the High Court of Judicature at Madras

Dated : 11.07.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.7262 of 2017

1. V.Thambidurai
2. S.Senthil
3. M.Raja
4. M.Jeyakumar
5. M.Maruthamuthu
6. G.SivajiganeshanPetitioners

Vs

1. The State of Tamil Nadu
Rep by the Secretary,
Public Works Department,
Fort.St.George, Chennai-9.
2. The Principal Chief Engineer, (General)
and Engineer in Chief W.R.O,
Chepauk, Chennai -5.
3. The Chief Engineer (Buildings)
Public Works Department,
Chepauk, Chennai -5. ... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first and third respondents to consider the claim of the petitioners as annexed to the writ petition for regularization of their services 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 23.12.2016 with effect from our initial appointment.

For Petitioner : Mr.S.Esairani Narasimman

For Respondents : Mr.K.Dhananjeyan
Special Government Pleader

ORDER

By consent the main writ petition itself taken up for final hearing at the admission stage itself.

2. All the writ petitioners are working as Workmen in Public Works Department on daily wage basis.

3. The learned counsel appearing for the petitioners contended that all the petitioners are working for more than 10 years without any break in service except certain artificial breaks. Considering the length of services rendered by the writ petitioners the Chief Engineer has submitted a proposal to the Principal Secretary to the Government, Public Works Department in his letter dated 14.10.2010 to regularise the services of the writ petitioners so as to get their right of confirmation of service in the Public Works Department. The said proposal is kept pending without any progress for more than 7 years. Hence the writ petitioners are constrained to move this writ petition.

4. The writ petitioners are allowed to work continuously for more than 10 years and as per the affidavit filed by the learned counsel for the writ petitioners, all the petitioners are qualified for permanent absorption in their respective posts. Such being the factum of this case, without adjudicating the merits of this case, this Court is inclined to consider the restricted relief sought for by the learned counsel.

5. Accordingly, the respondents 1 and 2 are directed to consider the representation submitted by the writ petitioner on 23.12.2016 and the proposal sent by the Principal Chief Engineer, Chepauk, Chennai to the first respondent in Letter No.N2(3)/11475/2006 dated 14.10.2010 and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioners are directed to enclose the copy of the representation along with the order passed in this writ petition.

6. With the above observation, the writ petition is disposed of. However, there is no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu
Public Works Department,
Fort.St.George, Chennai-9.
2. The Principal Chief Engineer, (General)
and Engineer in Chief W.R.O,
Chepauk, Chennai -5.
3. The Chief Engineer (Buildings)
Public Works Department,
Chepauk, Chennai -5.

+1cc to M/s.S.Esairani Narasimman, Advocate, S.R.No.48368
+1cc to the Government Pleader, S.R.No.49381

W.P.No.7262 of 2017

KS (CO)
CU(28/07/2017)



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