

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9361 of 2017

1. S.Bridgit Jenova
 2. S.Sutha
 3. A.Jeeva
 4. K.Freeda Jeya Regina
 5. S.Kalaiselvi
 6. N.Nirmala
- ... Petitioners

-vs-

1. The State of Tamil Nadu
rep.by its Secretary
Public Works Department
Fort St.George
Chennai 600 009
 2. The Chief Engineer
Public Works Department
Chepauk
Chennai 600 005
 3. The Executive Engineer
Water Resources Organisation
Kodayar Basin Division
Nagercoil 629 001
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 08.02.2017 and 03.03.2017 and thereby consequently direct the respondents to regularize the service of the petitioners on completion of ten years of casual labour services in the respondent Department and to extend all benefits thereto.

For Petitioners :: Mr.S.Ashok Kumar

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
ORDER

All the petitioners were engaged on daily wages/Nominal Muster Roll and they are working as such in the third respondent Department from 1986, 1992, 1994 and 1995 respectively. Finding no response on the proposal sent by the Executive Engineer,

Water Resources Organisation, Kodayar Basin Division, Nagercoil, they have finally come before this Court seeking a direction to the respondents to consider their representations along with the proposal dated 15.7.2011, in the light of G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department dated 27.6.2013.

2. It is the claim of the petitioners that as they have been working for more than 20 long years on daily wage basis, in spite of the earlier order of the Government in G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department dated 28.2.2006 to regularise the services of daily wagers on completion of ten years as on 1.1.2006, the respondents have not come forward to consider their case. Now modifying the above Government Order, G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department dated 27.6.2013 has been issued. Therefore a direction may be issued to the respondents to consider the proposal along with their representations, in the light of G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department dated 27.6.2013, as they have fulfilled the conditions. It is also stated that if the respondents are hesitant to regularise the services of the petitioners considering the financial implication for payment of arrears of salary, the petitioners are also prepared to forego the arrears of salary.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, taking notice on behalf of the respondents, sought for sufficient time to consider the case of the petitioners, in the light of G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department dated 27.6.2013.

4. In similar circumstances, a Division Bench of this Court, while dismissing the appeal filed by the State in W.A.No.493 of 2016 dated 25.4.2016 (State of Tamil Nadu rep.by the Secretary, Public Works Department and 2 others v. P.Subramanian and others) against the order passed by a learned single Judge in W.P.No.16107 of 2012 dated 4.7.2012 giving a direction to regularise the services of the respondents/writ petitioners on completion of ten years of service, held that the appellants therein cannot rely on the subsequent G.O.Ms.No.74 dated 27.6.2013 to reject the request of the writ petitioners, since the order of the learned Judge already reached finality. Even in the case on hand, the Executive Engineer, Water Resources Organisation, Kodayar Basin Division, Nagercoil had sent a detailed proposal on 15.7.2011 to the Superintending Engineer, Water Resources Organisation, Tamirabarani Basin Division, Tirunelveli to regularise the services of the petitioners herein, as they have been working on daily wage basis for quite a long time. In any event, since no order was passed on the said proposal and G.O.Ms.No.22 dated 28.2.2006 was also modified subsequently by issuing G.O.Ms.No.74 dated 27.6.2013, among other conditions, that the candidates should have been

sponsored through employment exchange, in the light of the aforesaid Division Bench judgment, I am of the considered opinion that the respondents cannot rule out the claim of the petitioners that they have not been sponsored through employment exchange, since the proposal was sent by the Executive Engineer, Water Resources Organisation, Kodayar Basin Division, Nagercoil on 15.7.2011 itself to the Superintending Engineer, Water Resources Organisation, Tamirabarani Basin Division, Tirunelveli to regularise the services of the petitioners much before the issuance of the G.O.Ms.No.74 dated 27.6.2013. Therefore, the respondents are hereby directed to consider the case of the petitioners and pass appropriate orders for regularisation of their services within a period of six 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 Chief Engineer
Public Works Department
Chepauk
Chennai 600 005

3. The Executive Engineer
Water Resources Organisation
Kodayar Basin Division
Nagercoil 629 001

+2ccs to Mr.S.Ashok Kumar, Advocate, sr.23446

+1cc to Government Pleader sr.23836

W.P.No.9361 of 2017

sks (co)
ss (27/4/2017)