

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8785 of 2017

and

W.M.P.No.9626 of 2017

S.Baskar

..Petitioner

Versus

1. The Government of Tamil Nadu
Rep.by its Secretary,
Secretariat, Public Works Department,
Fort St.George,
Chennai - 9.
2. The Engineer in Chief (Water Resources Organization) &
Chief Engineer (General),
Public Works Department, Chepauk,
Chennai - 5.
3. The Chief Engineer, Chennai Region,
Water Resources Organization,
Public Works Department, Chepauk,
Chennai - 5.
4. The Superintending Engineer,
Water Resources Organization,
Public Works Department, Pennaiyar Basin Circle,
Thiruvannamalai.
5. The Executive Engineer,
Water Resources Organization,
Middle Pennaiyar Basin Division,
Thiruvannamalai.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents herein to regularize the service of the petitioners in regular time scale in the post as recommended by 5th, 4th and 3rd respondents respectively in the light of G.O.(2D) No.29 Public Works (C2) Department, dated 09.02.2016 on the date when the petitioner completed his service of 10 years namely with effect from 01.01.2003 with all consequential benefits arising thereof within the stipulated period.

For Petitioner :Mr.K.Krishnamoorthy

For Respondents :Mr.K.Dhananjayan
Special Government Pleader

ORDER

Heard Mr.K.Krishnamoorthy, learned counsel appearing for the petitioner and Mr.K.Dhananjeyan, learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ petition is taken up for final disposal at the admission stage.

2. The petitioner in this writ petition was originally engaged as daily wage employee in the Public Works Department and the learned counsel appearing for the writ petitioner contended that the writ petitioner is working as daily wage employee for more than two decades and in spite of various

schemes introduced by the Government for regularization of such daily wage employees, the respondents have totally neglected the claim and plight of this writ petitioner. After continuing in service for more than thirty years, the petitioner came out with this writ petition seeking regularization of service.

3. The learned counsel for the petitioner bring it to the knowledge of this Court that the authorities competent have recommended the case of the writ petitioner in letters dated 23.04.2007 and 22.05.2007.

4. The 4th Respondent has recommended the case of the writ petitioner on 23.04.2007. The 3rd respondent also has recommended the case of the writ petitioner on 22.05.2007. Thereafter, G.O.(2D) No.29 Public Works(C2) Department was issued by the first respondent on 09.02.2016. Redressing the grievances of the similarly placed person that of the writ petitioner. In the meantime, the writ petitioner has forwarded the representation to the Hon'ble Chief Minister of Tamil Nadu on 23rd August, 2016. Accordingly, the respondents later directed to consider the recommendations as well as the representation submitted by the writ petitioner on 23.08.2016 and pass final orders on merits and in accordance with law.

5. On a perusal of the letters, the Superintending Engineer, Public Works Department, Water Resources Organization, Tiruvannamalai addressed a letter to the Chief Engineer, Chennai Region, Chepuak, Chennai. All the service details of the writ petitioner was forwarded for consideration to the Chief Engineer. The second recommendation letter dated 22.05.2007 also was addressed to the Principal Chief Engineer. Further details were also furnished for consideration by the Head of the Department. In spite of these detailed recommendations twice sent by the Superintending Engineer, the Chief Engineer and the Government have not taken any action to redress the grievance of the petitioner regarding the regularization of his services.

6. Considering the length of service put in by the petitioner and the plight of this poor employee, who was continuing more than two decades as daily wages, this Court is inclined to issue suitable direction to the respondents.

7. Accordingly, the respondents are directed to consider the recommendations dated 23.04.2007 and 22.05.2007 sent by the Superintending Engineer and take appropriate decision and pass orders in this regard on merits and based on the Government orders, within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands disposed of. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

31.07.2017

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Index : Yes/No

Internet : Yes/No

Speaking/Non Speaking order

To

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S.M.SUBRAMANIAM,J.

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