

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.32025 of 2017  
and WMP.No.35180 of 2017

V.Rabi Ditto

...Petitioner

Vs.

1. The Secretary to Government (PWD)  
Secretariat, Fort St George  
Chepauk, Chennai-600 009
  2. The Chief Engineer (General-PWD)  
Secretariat, Fort St.George  
Chepauk, Chennai-600 009
  3. The Engineer  
Building Construction and Maintenance (PWD)  
Secretariat, Fort St George  
Chepauk, Chennai-600 009
  4. The Superintendent Engineer (PWD)  
Secretariat, Fort St. George  
Chepauk, Chennai-600 009
- ...Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to regularise the service of petitioner who have completed 20 years of service as Nominal Muster Worker in the 4<sup>th</sup> respondent Department Office.

For Petitioner : Mr.V.Ramamurthy

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

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O R D E R

The Petitioner was appointed as Nominal Muster Worker (NMR) in November 1997 on daily wages basis and since then, he has been continuously working and completed almost 20 years of service. The Government has taken a Policy Decision to regularise the service of NMR workers and in the Assembly, passed a resolution to regularise the services of Nominal Muster

Workers, who completed 10 years of service. On the basis of the Policy of the Government, the Public Works Department (PWD) issued a Government Order in G.O.Ms.No.134 dated 07.05.2010 stating that the employees who completed 10 years of service as on 01.01.2006, are entitled to seek benefit of Regularisation.

2. In the case on hand, the petitioner is said to have completed more than 20 years of service and approached this court in W.P.No.10184 of 2017, but, his case is still under consideration, and no order has been passed. The learned counsel for the petitioner submits that a direction may be issued to the respondents to regularise the services of the Petitioner on merits.

3. The learned Special Government Pleader accepting notice for the respondents submits that eight weeks time may be given to the respondents to consider and dispose of the representation of the petitioner with regard to regularisation.

4. The petitioner claims to have been appointed as NMR worker in November, 1997, and since then he has been in continuous services for more than 20 long years. Whiles, the Government had taken a policy decision in G.O.Ms.No.134, Public Works (C2) Department, dated 07.05.2010, ordering to regularise the services of the entire NMR workers who have completed ten years of services as on 07.05.2010. In view of the said G.O., although the petitioner had submitted his representations dated 28.03.2013 and 23.04.2014, the department has not come forward to regularise his services. In G.O.Ms.No.680, Public Works Department, dated 16.08.1995, the Government have framed a policy stating that regularization of Nominal Muster Roll employees shall be done on completion of 10 years of services in future. In continuation of the same, the Engineer-in-Chief (Buildings) Chennai Region, and the Chief Engineer (General), Public Works Department, have sent a proposal for regularisation of the services of 222 NMR employees as could be seen in G.O.Ms.No.202, Public Works (C2) Department, dated 01.08.2012.

5. This apart, the Government vide G.O.Ms.No.22, P&AR Department, dated 28.02.2006, regularised the services of the casual employees working in the various department who had completed 10 years of services as on 01.01.2006. By following the said G.O.22, this Court in W.P.Nos.29346 of 2014 etc (batch) dated 22.09.2017, issued a direction to the respondents therein to regularise the services of petitioners therein on completion of 10 years of their services.

6. Thus, this court, by considering the fact that the petitioner herein has been continuously working for more than 20 years, hereby directs the respondents to consider the claim of

the petitioner for regularisation of his services by applying G.O.Ms.No.22, P&AR Department, dated 28.02.2006. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

s/d-  
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

nvsri

To

1. The Secretary to Government (PWD)  
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+1 CC to Mr.V. Ramamurthy, advocate sr 87856.  
+1 CC to Govt. Pleader sr 88564.

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SP(12/01/2018)