

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32971 of 2017

01. A.Ruban
02. K.Ramesh
03. R.Kumar
04. V.Karunakaran
05. E.Palani
06. R.Ayyasamy
07. A.Manivannan
08. S.Murugan
09. P.Logesh
10. R.Gnanasekaran
11. B.Karthikeyan
12. S.Viswanathan
13. T.S.Sardar
14. P.S.Ajmul
15. V.Velu
16. G.Loganathan
17. V.Srinivasan
18. A.Balaji
19. C.Prabhakaran
20. A.Balaji
21. C.Anbazhagan
22. S.Jayajothi
23. S.Natarajan
24. A.Muthusamy
25. P.Jayakumar
26. L.Balamurugan
27. E.Chellappan
28. A.Devaraj
29. B.Shahul Hameed

..Petitioners

-vs-

1. Government of Tamil Nadu
rep by Secretary to Government
Highways and Minor Ports (HK3) Dept.
Secretariat
Chennai 600 009

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2. The Director General
Highways Department
Chennai 600 005

3. The Chief Engineer (General)
Highways Department
Chepauk
Chennai 600 005

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to dispose of the petitioners representation dated 21.06.2017 to consider the regularization of their service based on G.O.Ms.No.22, Personnel & Administrative Reforms Department dated 28.02.2006.

For Petitioners::Mr.M.Sekar for Ms.R.K.Kalpana

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

ORDER

This writ petition has been filed jointly by the Drivers, who were appointed on daily wage basis, seeking a mandamus to the respondents to pass orders on their representation.

2. Learned counsel for the petitioners submitted that all the petitioners were appointed as Drivers on daily wage basis, some of them are working for the past 25 years and the rest of them are working for a minimum period of ten years, without any interruption. Since the Government of Tamil Nadu have issued G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.2.2006 directing that the persons who were appointed on daily wage basis, on completion of ten years of service as on 1.1.2006, are entitled to get the benefit of regularisation, the Chief Engineer (General), Highways Department, the third respondent herein also in his letter No.29408/Mt 6(3)/2009 dated 9.9.2009 submitted a proposal on the basis of the representation made by the petitioners to the Director General of Highways Department, the second respondent herein for their regularisation. There was no response. Therefore, the petitioners have again submitted a representation on 29.9.2010 to the Hon'ble Chief Minister's Special Cell and the first respondent by letter No.16555/HK3/2010-1 dated 29.10.2010 forwarded the same to the Director General, Highways Department for necessary action. Subsequently, the proposal also has been sent to the Government by the third respondent for regularisation. But unfortunately, till date, the respondents

have not come forward to regularise their services. In the meanwhile, some of the petitioners filed W.P.No.26804 of 2010 challenging the letter No.3684/HK3/09-7 dated 31.8.2010 issued by the first respondent instructing the second respondent to fill up the vacant posts of Drivers from qualified Gang Mazdoors. This Court allowed the writ petition, setting aside the letter issued by the first respondent, with a direction to the second respondent to regularise the services of the petitioners therein on completion of ten years of service with the time scale of pay with a further direction to pass suitable orders for regularisation. Again the respondents have not complied with the order dated 30.4.2013 passed in W.P.No.26804 of 2010. After sometime, when a contempt petition was filed, after issuance of notice, a writ appeal was filed against the order passed in the writ petition. The said writ appeal was allowed by this Court on 10.7.2014. As against that, Special Leave Petition (Civil) Nos.32271 of 2015 was filed. Finally, some of the petitioners, withdrawing the same, sought liberty to pursue the matter before the authority. Thereafter, several representations have been given seeking regularisation. But the same have not been considered. Therefore, they have come to this Court.

3. The learned Special Government Pleader for the respondents sought time to consider the pending representation.

4. Considering the limited prayer made by the petitioners, without going into the merits of the matter, keeping in mind that some of the petitioners are working for more than 25 years and the rest of them for more than ten years, this Court hereby directs the first and second respondents to consider the representation of the petitioners on merits, in the light of the proposal made by the third respondent, and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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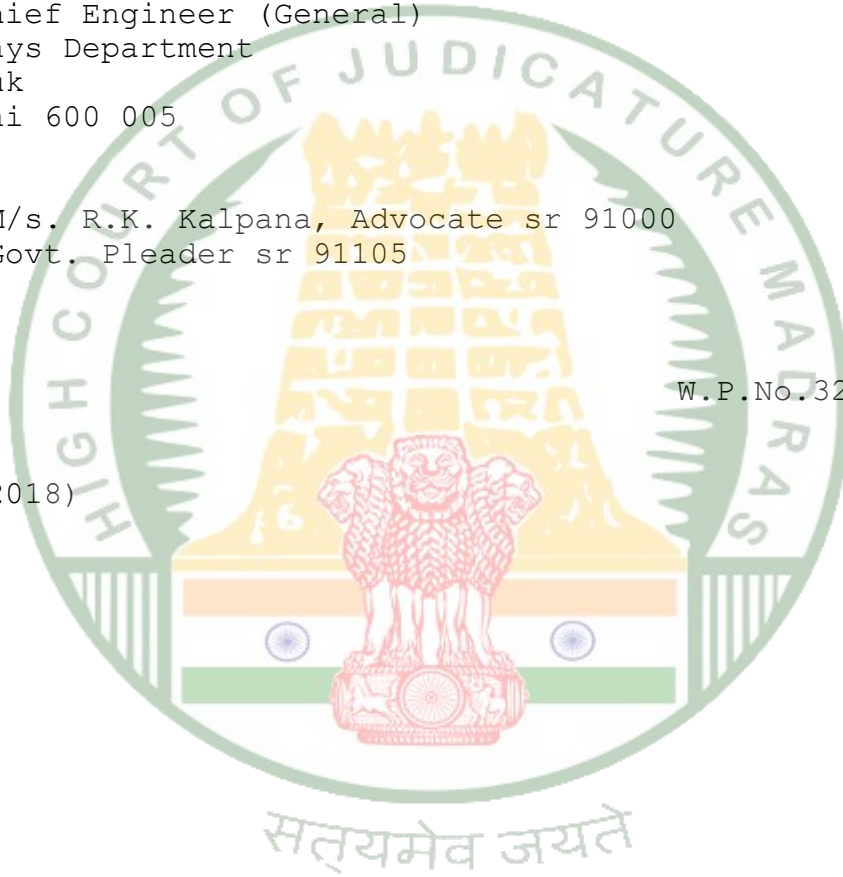
To

1. The Secretary to Government
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Secretariat
Chennai 600 009
2. The Director General
Highways Department
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3. The Chief Engineer (General)
Highways Department
Chepauk
Chennai 600 005

+1 CC to M/s. R.K. Kalpana, Advocate sr 91000
+1 CC to Govt. Pleader sr 91105

W.P.No.32971 of 2017

NRI (CO)
SP(11/01/2018)



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