

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2329/2017

S.Perumal

..

Petitioner

Vs

1.The State of Tamil Nadu,
Rep.by the Secretary,
Public Works Departments,
Fort St.George,Chennai-9.

2.The Chief Engineer(General) and
Engineer in Chief W.R.O.,
Chepauk, Chennai-5.

3.The Chief Engineer (Grand Water)
Public Works Department,
Chepauk,Chennai-5.

4.The Executive Engineer(Ground Water)
Public Work Department,
Building Construction and Maintenance Division,
Salem-Dt.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2 and 3rd respondents to consider the representation of the petitioners dated 23.12.2016, seeking for regularization/bringing into regular time scale of pay, by taking into account the G.O.No.278, PWD Dated 27.08.2008, G.O.MS.No.77 PWD dated 13.02.2009 and G.O.MS.No.181 dated 31.08.2009 with effect from his initial appointment and within a time to be stipulated by this Court.

For Petitioner : Ms.S.Esairani Narasimman
For Respondents : Mr.P.Chinnadurai, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Chinnadurai, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner would aver that he was initially appointed as daily rated/ casual employee from the year 1999 onwards and at present, he is working as a Driver in Buildings Construction and Maintenance Department, Basin Division, Attur. The grievance expressed by the petitioner is that though he had completed more than ten years of service without any interruption, his services are yet to be regularised and in this regard, the 5th respondent has also sent a proposal in Letter No.Ko.15/2011 dated 24.06.2011 to the 4th respondent and since no orders have been passed, came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that as per G.O.Ms.No.278, dated 27.08.2008,

G.O.Ms.No.77, dated 13.02.2009 and G.O.Ms.No.181, dated 31.08.2009 of the 1st respondent Department, the services of the persons similarly placed like that of the petitioner and who were working as Drivers, were regularised and therefore, prays for positive orders.

4 Per contra, Mr.P.Chinnadurai, learned Government Advocate appearing for the respondents would submit that admittedly, the petitioner is a temporary / casual employee and as a matter of right, he cannot seek for regularization and prays for dismissal of this writ petition.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 2 to 4 to take note of the above cited Government Orders and pass orders on the representations of the petitioner dated 10.02.2016 and 23.12.2016 respectively, on merits and in accordance with law and pass orders

M.SATHYANARAYANAN, J.,
AP

within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

01.02.2017

Index : No
Internet : Yes
AP

NOTE: Issue order copy on 02.02.2017.
To

1. The Secretary, State of Tamil Nadu,
Public Works Departments,
Fort St. George, Chennai-9.
2. The Chief Engineer (General) and
Engineer in Chief W.R.O.,
Chepauk, Chennai-5.
3. The Chief Engineer (Grand Water)
Public Works Department,
Chepauk, Chennai-5.
4. The Executive Engineer (Ground Water)
Public Work Department,
Building Construction and Maintenance Division,
Salem-Dt.

W.P.No.2329/2017