

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1490/2017

1.S.Thangadurai
2.V.Sankar
3.V.Mohan
4.P.Palani

..Petitioners

Vs

1.The Secretary
State of Tamil Nadu
Public Works Department
Fort St George, Chennai-9.
2.The Principal Chief Engineer
[General] & Engineer in Chief WRO
Chepauk, Chennai-5.
3.The Executive Engineer, WRO/PWD
Public Works Department,
Upper Pennai River Basin Division,
Dharmapuri.
4.The Assistant Executive Engineer
WRO/PWD, Public Works Department
Upper Pennai River Basin Division
Krishnagiri

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to consider the claim of the petitioners as annexed to the writ petition for regularisation of their services on completion of 10 years of NMR/Casual Labourers Services as per G.O.2D.No.29, PWD [C2] Department, dated 09.02.2016 on the subject, on the basis of representation dated 09.12.2016 with effect from our initial appointment and within the time to be stipulated by this Court.

For Petitioners : Ms.S.Esairani Narasimman

For RR 1 to 4 : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioners would claim that they are all working at Pennai River Basin Division, Dharmapuri, which falls under the control of WRO/PWD, as casual labourers / Non-Muster Roll employees and they are working in that capacity right from the year 1992 and continue to be under employment even as on date. The petitioners would further claim that they are discharging their duties honestly and sincerely without any blemish, to the utmost satisfaction of the superior officers.

3 The learned counsel for the petitioners would submit that the Public Works [C2] Department, in compliance of the orders dated 20.06.2012 and 03.02.2016 made in WP.No.37024/2006 and Cont.P.No.334/2014 respectively, had issued G.O.2D.No.29, dated 09.02.2016, in and by which, the services of the persons similarly placed, namely, Tvl.T.Subash, N.Prasad, John Duraisingh and Rajakumar and Tmt.D.Hepsy G.Ramesh, have been regularised and further invited the attention of this Court to the judgment dated 25.04.2016 made in WA.No.493/2016 [State of Tamil Nadu rep.by the Secretary, Public Works Department, Fort St George, Chennai-9 and 2 others Vs. P.Subramanian and 36 others] and would submit that the private respondents in the said writ appeal filed WP.No.16107/2012 praying for consideration of their claim for regularisation of their services on completion of 10 years of services as Casual Labourers as per various Government Orders based on their representation dated 11.11.2011 and the said writ appeal was also dismissed on 25.04.2016, confirming the order dated 04.07.2012 made in WP.No.16107/2012, in and by which, regularisation was ordered and in the light of the above cited Government Order and the Judgment rendered by this Court, there cannot be any impediment on the part of the respondents to regularise the services of the petitioners herein and prays for appropriate orders.

4 Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents would contend that admittedly the petitioners are casual labourers / Non-Muster Roll employees and their prayer for regularisation, cannot be considered as it is not a matter of right and insofar as G.O.2D.No.29, dated 09.02.2016 is concerned, it was passed in compliance of the orders passed by this Court and the services of the incumbents therein were regularised and therefore, prays for dismissal of this writ petition.

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

6 Though the petitioners have 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 petitioners, either in their joint representation or in this writ petition, directs the respondents 1 to 4 to consider and dispose of the joint representation of the petitioners dated 09.12.2016 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Secretary
State of Tamil Nadu
Public Works Department
Fort St George, Chennai-9.
- 2.The Principal Chief Engineer
[General] & Engineer in Chief WRO
Chepauk, Chennai-5.
- 3.The Executive Engineer, WRO/PWD
Public Works Department,
Upper Pennai River Basin Division,
Dharmapuri.
- 4.The Assistant Executive Engineer
WRO/PWD, Public Works Department
Upper Pennai River Basin Division
Krishnagiri

+1cc to Mr.S.Esai Rani, Advocate sr.4069

W.P.No.1490/2017

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ss(23/01/2017)

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