

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.02.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.2687 of 2017

1.A.Sakila Banu
2.E.M.Vetrikumari
3.S.Karthikeyan
4.D.Raji
5.P.Balakrishnan
6.Muthusami
7.Saravana Kumar

... Petitioners

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 (Buildings),
Public Works Department,
Chepauk, Chennai - 5.

4.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Division,
Tanjavur District.

5.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Division (Medical)
Tiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 & 3 to consider the representation of the petitioners dated 23.12.2016 seeking for regularization/bringing into regular time scale of pay as per G.O.SD.No.29 PWD (C2) Department dated 09.02.2016 with effect from his initial appointment and within a time to be stipulated by this Court.

For Petitioners : Ms.S.Esairani Narasimman
For Respondents : Mr.P.Chinnadurai,
Government Advocate.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioners would aver among other things that they are all working in Building Construction and Maintenance Basin Division, Thanjavur, which falls under the control of W.R.O./P.W.D., as casual labourers/ nominal muster roll, right from 1994 onwards and they are discharging their duties continuously without any break and as such, they are entitled to be regularized in service.

3.The learned counsel appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that by G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006, the Government had brought the employees working on daily wages into a regular stream on completion of 10 years of service as on 01.01.2006 and persons, who were similarly placed, filed W.P.No.16107 of 2012 and it was allowed on 04.07.2012 and the official respondents therein/ respondents 1, 3 & 4 herein had filed W.A.No.493 of 2016 and which was dismissed, vide judgment dated 25.04.2016 and orders for regularization obtained by T.Subash and others in W.P.No.37024 of 2006 has also been complied with after G.O.(2D).No.29 Public Works (C2) Department dated 09.02.2016 and therefore, prays for appropriate orders.

4.Mr.P.Chinnadurai, learned Government Advocate, who accepts notice on behalf of the respondents, would submit that admittedly, the petitioners are casual employees and as a matter of right, they cannot seek for regularization and prays for dismissal of the writ petition.

5.This Court has carefully considered the rival submissions and perused the records placed before it.

6.Though the petitioners pray for larger relief, this Court, in the light of the above facts and circumstances, 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 2 & 3 to consider and dispose of the petitioners' representation dated 23.12.2016 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7.The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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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 (Buildings),
Public Works Department,
Chepauk, Chennai - 5.
- 4.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Division,
Tanjavur District.
- 5.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Division (Medical)
Tiruvarur District.

+1 cc to Ms.S.Esairani narasimman Advocate sr 7012
+1 cc to Government Pleader sr 7463

vgI(co)
aa08/02/2017

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