

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.26599 of 2012

and

M.P.No. 1 2012

- 1.Tamil Nadu Thozil Nutpa Kalappaniyalar Sangam
(Reg.No.187/TVR 2004)
No.4/30, D-II Street
Ma.Po.Si.Nagar, Tiruvallur District
Rep.by its General District Secretary
Thiru.C.Ramakrishnan.
- 2.Thriu.M.Natarajan Petitioners
- Vs
- 1.The Executive Engineer
Krishna Water Supply Project (KWSP)
Division-I, P.W.D.W.R.O.
Chepauk, Chennai 600 005.
- 2.The Executive Engineer
Krishna Water Supply Project (KWSP)
Division -I, P.W.D.W.R.O.
Chepauk, Chennai 600 005.
- 3.The Superintending Engineer
Palar Project
P.W.D.W.R.O.
Chepauk, Chennai 600 005. Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relevant to the order in Letter No.NA1/Division 1174/2010 dated 25.01.2012 passed by the first respondent quash the same as illegal, improper, arbitrary, against the rule of law and principles of natural justice and thereby direct the respondents to appoint the petitioner's member as NMR employees in the existing or future vacancies of the respondents department.

For Petitioners : Mrs.R.K.Kalpna

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The order of rejection issued by the first respondent in proceedings dated 25.01.2012 rejecting the request to appoint the petitioner/members as NMR Employees in the existing or future vacancies of the respondent department is under challenge in this writ petition.

2. The petitioner which is a registered Sangam, has filed this writ petition stating that 112 members/Non Muster Roll Employees were employed in Krishna Water Supply Project for three to ten years in the respondents/department. Subsequently, on completion of the project, they were ousted from the service.

3. The learned counsel appearing for the writ petitioner states that the members of the writ petitioner Association were initially engaged as NMR in the year 1993, and they were ousted from the services in the year 1999. Subsequently, representation was submitted by the writ petitioners for engaging them as NMR employees in the existing or future projects. However, the respondents have not engaged the members of the Petitioners Association.

4. On a perusal of the impugned order dated 25.01.2012, it is seen that the same was passed pursuant to the direction issued by this Court, in W.P.No.18587 of 2010 to consider the representation submitted by the writ petitioner Sangam. The order impugned states that the particulars with regard to 112 NMR employees, who were the member of the petitioner Sangam, are not available in the Sub-Division, as claimed by the petitioners. Further, no records are available in respect of these 112 NMR of the Assistant Executive Engineer of the Krishna Water Supply Project has stated that record is available in respect of one Mr.M.Natarajan, from 24.01.1993 to 23.11.1993, but in respect of the other employees, no records were available with the respondents/department. Further, it is stated that sufficient number of workers are available for the present project and therefore, the request of the petitioner Sangam cannot be entertained.

5. In the absence of there being any legal right, this Court cannot entertain this writ petition. A mere engagement as NMR employees from the year 1993-99 will not confer any legal right on the writ petitioners to claim that they should be engaged in the existing future projects. In such view of the matter, the writ petition is not maintainable and this Court cannot issue any such direction to the respondents who have also stated that no records are available in respect of member of the petitioner/association except one person. Even as per the statement of the writ petitioners they were dis-engaged in the year 1999 and thereafter, their service as NMR

employees was ousted the respondents/department. This being the factum of the case, no further adjudication is required on the merits and the grounds raised in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected the Miscellaneous Petition is also dismissed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

- 1.The Executive Engineer
Krishna Water Supply Project (KWSP)
Division-I, P.W.D.W.R.O.
Chepauk, Chennai 600 005.
 - 2.The Executive Engineer
Krishna Water Supply Project (KWSP)
Division -I, P.W.D.W.R.O.
Chepauk, Chennai 600 005.
 - 3.The Superintending Engineer
Palar Project
P.W.D.W.R.O.
Chepauk, Chennai 600 005.
- +1 CC to Ms. R.K.Kalpana Advocate SR.NO.73757

W.P.No.26599 of 2012

VC (17/11/2017)

सत्यमेव जयते

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