

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28119 of 2013

P.Ramajayam

.. Petitioner

vs.

1.The Secretary to Government,
Public Works Department,
Chennai.

2.The Engineer in Chief,
Water Resources Organization,
Public Works Department,
Chepauk, Chennai-5.

3.The Executive Engineer,
Water Resources Organization,
Public Works Department,
Middle Pennaiyar Basin- Division
Tiruvannamalai-600 113.

4.The Assistant Executive Engineer,
Public Works Department,
Sathanur Dam Sub-Division,
Sathanur Dam-606 706.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to regularize the service of the petitioner from the date of completion of ten years of service and pass such further orders.

(Prayer amended as per order dated 07.06.2017 in M.P.No.1 of 2014]

For Petitioner : Mr.R.Suryaprakash
for M/s.R.K.Kalpana

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

The petitioner, in the affidavit filed in support of this writ petition, would aver that he joined in the services of the respondent Department in the year 1996 on daily wage basis and was directed to do menial job as well as job of the Office Assistant. The grievance expressed by the petitioner is that despite the fact that he has complied with the terms and conditions stipulated in G.O.Ms.No.134, Public Works (C2) Department dated 07.05.2010, his services have not been regularized and in this regard, he has also submitted a representation dated 23.07.2013 to the second respondent and in spite of receipt and acknowledgment, he is yet to be favoured with any kind of response and hence, came forward with this writ petition.

2. Mr.R.Suryaprakash, learned counsel appearing for the petitioner has drawn the attention of this Court to the counter affidavit of the fourth respondent and would submit that as per Annexure-I, the petitioner, upto the year 2013, has completed more than 8 years of service and even for the sake of arguments that the stand of the respondents is tenable, he continues to work in that capacity as on today and completed 10 years of service as per the said Government Order in G.O.Ms.No.134 dated 07.05.2010 and therefore, there cannot be any impediment on the part of the respondents to confer him with regularization and all other consequential benefits.

3. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader has drawn the attention of this Court to the counter affidavit of the fourth respondent and would submit that the petitioner was engaged on daily wage basis while he was minor and he attained majority on 30.06.1998 and therefore, the services rendered from that date would be taken into consideration and accordingly, he has completed only 8 years of service and since he has not completed 10 years of service as stipulated in the above cited Government Order, his case cannot be considered.

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

5. It is the submission of the learned counsel appearing for the petitioner, on instruction, that even as on today, the petitioner continues to work in temporary capacity in the services of the fourth respondent and thereby completed 10 years of services as stipulated in G.O.Ms.No.134, Public Works (C2) Department dated 07.05.2010 and therefore, the respondents may be directed to consider the same and pass appropriate orders.

6. This Court, taking into consideration the above facts and circumstances, directs the respondents to take into consideration the period of temporary service rendered by the petitioner in the services of the fourth respondent upto 30.06.2017 and in the event of the period of service is in compliance of G.O.Ms.No.134, Public Works (C2) Department dated 07.05.2010, shall pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

jvm

To

- 1.The Secretary to Government,
Public Works Department,
Chennai.
- 2.The Engineer in Chief,
Water Resources Organization,
Public Works Department,
Chepauk, Chennai-5.
- 3.The Executive Engineer,
Water Resources Organization,
Public Works Department,
Middle Pennaiyar Basin- Division
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- 4.The Assistant Executive Engineer,
Public Works Department,
Sathanur Dam Sub-Division,
Sathanur Dam-606 706.

+1cc to R.K.Kalpana,Advocate sr.40789
+1cc to Government Pleader sr.40660

W.P.No.28119 of 2013

ss(19/6/2017)