

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No. 4198 of 2018

&

W.M.P. No. 5141 of 2018

1. R. Suresh Kumar
2. T. John Rose
3. C. Premalatha
4. P.K. Mary Sahila Kumari
5. M. Rana Lizzin Joy
6. E. Helen Florence
7. S. Jerald
8. T. Sobanam
9. S. Gopalan
10. G. Kannan
11. P. Ponnumuthu
12. G. Nelambaran
13. T. Pugazhenth
14. A. Helen Darathy
15. R. Mani
16. S. Prabha
17. M. Sumathi
18. A. Premalatha
19. A. Lathakumari
20. A. Mohamed Anwar
21. B. Ramesh
22. T. Nagarajan
23. T. Padmanabhan

..Petitioners

सत्यमेव जयते Vs.

1. The State of Tamil Nadu rep. by the
Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Engineer in Chief (General),
Public Works Department
Chepauk, Chennai 600 005.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to consider the petitioners representation dated 05.02.2018 and to extend the service benefits made in judgment dated 08.08.2014 in W.A. Nos. 168 & 169 of 2014 to the petitioners within a stipulated time as may be fixed by this Court.

For Petitioners :: Mr.S. Ashok Kumar

For Respondents :: Mr. Jayaprakash
Narayanan,
Special Govt. Pleader

O R D E R

Twenty three petitioners have jointly filed this writ petition seeking a common relief, namely, for issue of a Writ of Mandamus directing the respondents to consider their representations dated 05.02.2018 and to extend the service benefits made in judgment dated 08.08.2014 in W.A. Nos. 168 & 169 of 2014 to them within a stipulated time.

2. The case of the petitioners is that they were initially appointed as Mazdoors in Public Works Department as NMR and on completion 10 years of service and in accordance with the order issued by the Government in G.O.Ms. No. 334 Public Works Department dated 19.10.2007, their services were brought into regular time scale of pay and consequently, their services were regularised in the cadre of Works Inspector Grade II, Irrigation Assistant and Mazdoor, as the case may be, and as per orders of the Government, they were absorbed in the permanent vacancy in Public Works Department. However, the grievance of the petitioners is that though the services of 1056 NMRs working in the respondent Department, including the petitioners, who had rendered 10 years of continuous service, were regularised by issuance of G.O.Ms. No. 334 dated 19.10.2007, but by paragraph No.3(ii) of the said G.O., the financial benefit was sought to be reckoned only from the date of issue of the Government Order and not from the date of completion of 10 years of service. According to the petitioners, except G.O.Ms. No. 334 dated 19.10.2007, all the other Government Orders, by virtue of which NMRs were brought into regular establishment commencing from G.O.Ms. No. 1035 Public Works Department dated 14.04.1976 to G.O.Ms. No. 141 Public Works Department dated 20.03.2007, had

extended the benefit of regularisation on completion of 10 years of NMR service and directed that the incumbents were eligible to get notional pay fixations and allowances as per orders in force by retrospective effect of regularisation.

3. Aggrieved by paragraph No.3(ii) of G.O.Ms. No. 334 dated 19.10.2007, some of the persons similarly placed like the petitioners filed W.P. Nos. 1286 of 2009 and 502 of 2010 before this Court and the said writ petitions were dismissed by orders dated 29.08.2011 and 07.09.2011. As against the same, W.A. Nos. 168 and 169 of 2012 were filed and by judgment dated 08.08.2014, the said writ appeals were allowed directing the respondents to notionally fix the pay of the appellants therein retrospectively with effect from the date of completion of 10 years of service as NMRs with monetary benefits from the date of Government Order dated 19.10.2007 as it has been extended to others in G.O.Ms. No. 124 Public Works Department dated 15.05.2008. Though an appeal was filed by the respondents in SLP (c) No. 9122 - 9123 of 2016, challenging the judgment rendered in the said writ appeals before the Honourable Apex Court, the same came to be dismissed on 29.06.2016.

4. Thereafter, the 2nd respondent submitted a proposal to the 1st respondent in respect of the appellants in the said writ appeals alone and they have been given the benefit of notional fixation of their scale of pay retrospectively. Since the petitioners herein were not parties to the said writ appeals, they have not been extended the said benefit as that of the appellants therein. The individual representations of the petitioners dated 05.02.2018, in this regard, is pending before the respondents. Hence, the present writ petition for the relief aforesaid.

5. Learned counsel for the petitioners submitted that the representations of the petitioners dated 05.02.2018 may be considered and appropriate orders may be passed, in the light of the judgment of the Division Bench of this Court rendered in W.A. No. 168 & 169 of 2012 dated 08.08.2014.

6. Learned Special Government Pleader sought sufficient time to consider the case of the petitioners and to pass appropriate orders.

7. Considering the limited scope of the relief sought for, without going into the merits of the claim made by the petitioners in their representations, the writ petition is disposed of directing the respondents to consider the representations of the petitioners dated 05.02.2018 and pass appropriate orders, on merits, in accordance with law and in the light of the judgment of the Division Bench of this Court

rendered in W.A. No. 168 & 169 of 2012 dated 08.08.2014, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected W.M.P is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

nv

To

1. Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Engineer in Chief (General),
Public Works Department
Chepauk, Chennai 600 005.

+2cc to Mr.S.Ashokkumar, Advocate, S.R.No.14324

+1cc to the Government Pleader, S.R.No.15923

W.P. No. 4198 of 2018

KJ(CO)
RRK(23/03/2018)



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