

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.275 of 2012
and M.P.No.1 of 2012

- 1.The State of Tamil Nadu
rep. By the Secretary to Government,
Highways Department,
Secretariat, Fort St. George, Chennai - 9.
- 2.The Chief Engineer (General),
Highways and Rural Works Department,
P.W.D. Buildings, Chepauk, Chennai - 5.
- 3.The Divisional Engineer,
National Highways and Rural Works,
Tirunelveli. Appellants/ Respondents

-vs-

- 1.P.Subramaniam
- 2.R.Athimoolam
- 3.J.Mabel Kumar
- 4.C.Ponselvi
- 5.S.Veeraselvi Respondents/ Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.11.2011 made in W.P.No.2743 of 2007.

Prayer in W.P.No.2743 of 2007:

Writ Petition came to be numbered under Article 226 of the Constitution of India, by way of transfer from the Tamil Nadu Administrative Tribunal, Chennai in OA.NO.7215 OF 2001, Praying for writ of Mandamus, to direct the respondents herein to regularise the petitioners herein in their respective division as permanent road workers granting them regularisation as well as permanency of employment with all the service benefits.

For Appellants : Ms.A.Sri Jayanthi,
Spl. Govt. Pleader

For Respondents: No appearance

JUDGMENT

[Judgment of the Court was delivered by
M.M.SUNDRESH, J.]

This writ appeal is directed against the order dated 22.11.2011 made in W.P.No.2743 of 2007, whereby the learned single Judge directed the first appellant to regularise the services of the respondents herein as per G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006.

2.Heard the learned Special Government Pleader appearing for the appellants. None appears for the respondents.

3.The respondents were engaged as road workers. According to the appellants, respondents 1 to 3 were not working with the third appellant after 31.08.2000, 31.12.1995 and 30.12.1996 respectively. Respondents 4 and 5 never worked under the third appellant.

4.The learned single Judge disposed of the writ petition on the ground that all the respondents are working continuously. This is the disputed question of fact. There is no material available to hold that they were actually working after 2000, 1995 and 1996 and respondents 1 to 3 were working after 31.08.2000, 31.12.1995 and 30.12.1996 respectively. Similarly, as against respondents 4 and 5, there is no material to hold that they worked under the third appellant.

5.If the respondents are stated to have worked for more than 450 days, the remedy lies elsewhere. Since they worked for very short time, that too, on contingent basis, the Government Order passed in G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 does not have an application as held by this Court in W.A.Nos.1348 of 2016 and 109 to 113 of 2017 dated 19.03.2018.

6.In such view of the matter, we have no option except to set aside the order of the learned single Judge. Accordingly, the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-/-

Assistant Registrar (CS)

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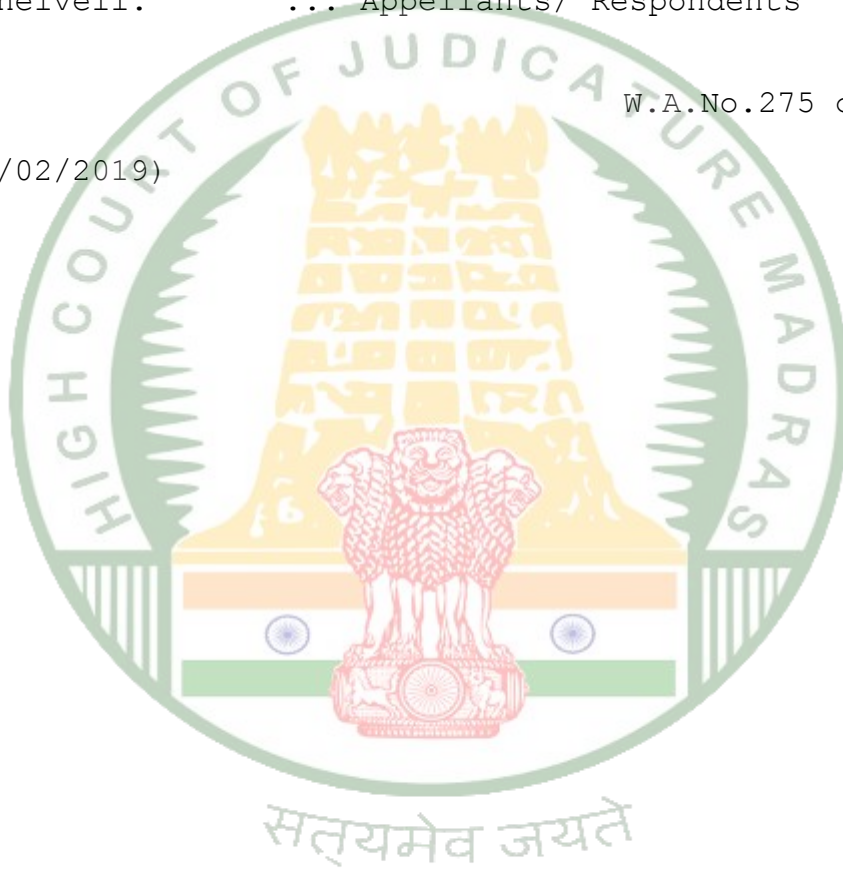
Sub Assistant Registrar

To

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A.SK(06/02/2019)



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