

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.5261 of 2018

1. G.Mariyammal
2. G.Kasi
3. P.Chandra
4. E.Baby
5. C.Subramani
6. K.Muniyammal
7. K.Vijaya
8. M.Vengammal
9. E.Vedi
- 10.S.Muniyammal
- 11.S.Pavunu
- 12.S.Palaniyammal
- 13.P.Vijaya
- 14.D.Kumar
- 15.R.Nagarajan
- 16.N.Duraisamy
- 17.A.Krishnan @ Ramakrishnan
- 18.A.Muniyappan
- 19.N.Kannan
- 20.A.Subramani
- 21.M.Kannan
- 22.M.Rangasamy
- 23.E.Govindasamy
- 24.K.Devarajan

...Petitioners

सत्यमेव जयते
Versus

1. The Chief Engineer,
Chennai Region,
Public Works Department,
Water Resource Organisation,
Chepauk, Chennai-600005
2. The Superintending Engineer,
Pennaiyar Basin Circle,
Public Works Department,
Water Resource Organisation,
Thiruvannamalai

3. The Executive Engineer,
Middle Pennaiyar Basin Division,
Public Works Department,
Water Resource Organisation,
Thiruvannamalai

4. The Assistant Executive Engineer,
Public Works Department,
Water Resource Organisation,
Sathanur Dam Sub Division,
Sathanur Dam

5. The Assistant Executive Engineer,
Public Works Department,
Water Resource Organisation,
Middle Pennaiyar Sub Division,
Arani, Thiruvannamalai District

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents to regularize the service of the petitioners and to give monetary benefits with retrospective effect to the petitioners from the date of completion of 10 years of service.

For Petitioners : Mr.V.R.Kamalanathan

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

The grievance of the writ petitioners in this case is that they were working in various posts under the fourth and fifth respondents but pursuant to the G.O.Ms.No.334 dated 19.10.2007, the services of the persons who had completed 10 years by then, were regularised from the date of issuance of G.O and not from the date of completion of 10 years of service. Though the petitioners have made representations to the respondents but no action has been taken in this regard. Hence, the writ petitioners have filed the present writ petition seeking a writ of mandamus directing the respondents to regularize the service of the petitioners and to give monetary benefits with retrospective effect from the date of completion of 10 years of service.

2. The learned counsel for the petitioner submits that the petitioners have filed the present writ petition seeking writ of mandamus inasmuch as similarly placed N.M.R.'s who had served and covered under the G.O.Ms.No.334 dated 19.10.2007, were given such benefit and hence the respondents be directed to regularize the service of the petitioners and to give monetary benefits with retrospective effect to the petitioners from the date of completion of 10 years of service as prayed for in this writ petition.

3. The petitioners have indicated in the affidavit that similarly placed N.M.R.'s who had served and covered under the G.O.Ms.No.334 dated 19.10.2007 had filed a writ appeal in W.A.No.168 & 169 of 2012 which was allowed by this Court on 08.08.2014, wherein this Court has held as follows:

"17. In fine, the Writ Appeals are allowed and the respondents are directed to notionally fix the pay of the appellants / petitioners retrospectively with effect from the date of completion of 10 years of service as NMRs, with monetary benefits from the date of the Government Order dated 19.10.2007, as it has been extended to other in G.O.Ms.No.124, Public Works Department, dated 15.05.2008. Such exercise shall be commence and completed by the respondents, within a period of eight weeks from the date of receipt of a copy of this Order. No costs."

4. The said order was also confirmed by the Apex Court in C.C.No.9122 and 9123 of 2016 dated 29.06.2016. The said order has also been followed in W.P.No.12707 of 2012 dated 22.07.2015 and the same was confirmed by a Division Bench of this Court in W.A.No.457 of 2016 etc. cases dated 15.06.2017, so also other Division Bench of this Court has taken a similar view in W.A.No.387 to 392 of 2016 by an order dated 06.04.2016, therefore the petitioners are entitled to be regularised on the date they have completed 10 years. In this regard, the petitioners had made repeated representations to the respondents, on the same but no order has been passed yet. In such premises, this writ petition has been filed seeking the relief as stated above.

5. Mr.V.Kadhirvelu, learned Special Government Pleader appearing for the respondents seeks adjournment but I am not inclined to grant time to file counter in this regard, since the law in this regard has been well settled and the representations of the petitioners in this regard have not been addressed to.

6. I would therefore dispose of this writ petition with an observation that the petitioner shall make a fresh representation in this regard within fifteen days hence with a copy of this Order to the first respondent with copy to other respondents and on receipt of the same, the first respondent is directed to take an informed and considered decision in the light of the law laid down by this Court in the aforesaid cases, so also the submissions made by the learned counsel appearing for the petitioners that similar benefits have been extended to similarly situated colleagues of the petitioners, within a period of three months from the date of receipt of the representation along with the copy of this Order.

7. With the aforesaid order, this writ petition stands disposed of. However, in the circumstances there shall be no order as to costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
Chennai Region,
Public Works Department,
Water Resource Organisation,
Chepauk, Chennai-600005.

2. The Superintending Engineer,
Pennaiyar Basin Circle,
Public Works Department,
Water Resource Organisation,
Thiruvannamalai.

3. The Executive Engineer,
Middle Pennaiyar Basin Division,
Public Works Department,
Water Resource Organisation,
Thiruvannamalai.

4. The Assistant Executive Engineer,
Public Works Department,
Water Resource Organisation,
Sathanur Dam Sub Division,
Sathanur Dam.

5. The Assistant Executive Engineer,
Public Works Department,
Water Resource Organisation,
Middle Pennaiyar Sub Division,
Arani, Thiruvannamalai District.

+1cc to Mr.V.R.Kamalanathan, Advocate Sr.50538
+1cc to the Government Pleader Sr.51367

W.P.No.5261 of 2018

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srg 3/9/2018



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