

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No.21184 of 2018
and
W.M.P.Nos. 24857 and 24858 of 2018

1. M.Sakthivel
2. N. Subash
3. A.Babu
4. V.Vinayaga Moorthy
5. N.Ulaganathan
6. P.Ramesh
7. M.Murugunantham
8. M.Rajesh Kannan
9. S.Sanmugasundaram

...Petitioners

Vs.

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

2. The Principal Chief Engineer (Buildings)
Public Works Department,
Chepauk, Chennai - 600 005.

3. The Superintending Engineer,
Public Works Department,
Salem - 7.

4. The Executive Engineer,
Public Works Department, Salem - 7.
5. The Executive Engineer,
Public Works Department,
Villupuram.

6. The Executive Engineer,
Public Works Department,
Erode.

7. The Executive Engineer,
Public Works Department,
Thiruvannamalai.

8. The Executive Engineer,
Public Works Department,
Kancheperam.

9. The Executive Engineer,
Public Works Department,
Cuddalore.

10. The Executive Engineer,
Public Works Department,
Vellore.

11. The Executive Engineer,
Public Works Department,
Thirunelveli.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to pass an order on the representation dated 20.07.2018 seeking regularization of the service on the completion of ten years of casual labours. In the light of the orders passed by the Hon'ble Division bench in W.A.No. 493/2016 dated 25.04.2016, and W.A.No. 631/2016 dated 13.06.2016 and the same was also challenged by the first respondent before the Hon'ble Apex Court in SLP C.C.No.17385 the same was dismissed on 30.09.2016 by confirming Hon'ble Division Bench order and also review application filed in R.P.(C) No. 6164 the same was also dismissed by the Hon'ble Apex Court on 09.11.2017, and thereby direct the first respondent to regularize the petitioners service on completion of ten years casual labour as driver in the respondent Public Works Department.

For Petitioners: Mr.S.Ashok Kumar

For Respondents: Mrs. R.Janaki
Additional Government Pleader

O R D E R

Heard, Mr.S.Ashok Kumar, the learned counsel appearing for the petitioners and Mrs. R.Janaki the learned Additional Government Pleader who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioners in this case is that, though they have rendered more than 10 years of service as casual labourer in the respondent, Public Works Department and the Government have come out with G.O.Ms.No. 22 Personal & Administrative Reforms (F) Department, dated 28.02.2006 (herein after referred to as G.O.22) to regularize the service of such persons working in different departments of the Government, but the benefit of such G.O.22 has not been extended to them. The petitioners, in this regard, have also made individual representation on 20.07.2018 but the same evoked no response. Hence, they have come to this Court filing this Writ Petition challenging such inaction of the respondents seeking a direction to dispose of their representation within a time bound manner taking note of the law laid down in this regard.

3. The learned counsel for the petitioners submits that the petitioners have a case for regularization, hence, the respondents be directed to dispose of their representation in the light of the aforesaid Government Order, more particularly, when the case of the petitioners is covered by the decisions rendered by this Court. To fortify their case, he placed reliance upon the decisions of this Court, in similar matters, viz., W.A.No.493 of 2016 dated 25.04.2016, and W.A.No. 631 of 2016 dated 13.06.2016, wherein, the Court had directed extension of such benefit to the casual employees/casual labourer/NMRs working in different departments.

4. The learned Additional Government Pleader appearing for the respondents submits that the petitioners having filed the representations in the recent past, cannot contend that such representations have not been attended to within a reasonable period. Therefore, the prayer made by them seeking a Writ of Mandamus is without any substance, hence, liable to be dismissed. However, it is submitted that, if this Court directs disposal of such representations, no fetter should be put on the respondents to dispose of such representations in any particular manner, inasmuch as, this Court has not heard on the merit of such representations and also examined the merit on the contention raised that the petitioners case is covered by a decision of this Court.

5. Considered the facts and the submissions made by the learned counsels for the parties. It appears that the petitioners have made their representations on 20.07.2018 to the respondents to regularize their services extending them the benefit of the G.O.22 so also the law laid down by this Court in W.A.No. 493/2016 dated 25.04.2016, and W.A.No. 631/2016 dated 13.06.2016 which stated to have reached its finality, inasmuch as, according to the petitioners, the Special Leave Petition carried out against such orders has been dismissed, so also the

Review Petition. It cannot be lost sight that the petitioners have made representations only on 20.07.2018. Therefore, as rightly averred by the learned Additional Government Pleader for the respondents, there cannot be said to be any inaction on the part of the respondents in consideration of such representations, inasmuch as, there is no inordinate delay in disposal of the same. But, considering the fact that the Government has come out with the G.O.22, by which, the benefit stated to have been extended to the similarly situated employees and also the petitioners case stated to have been covered by decisions rendered by this Court, it is hope and trust that the respondents, more particularly, the first respondent shall do the needful for early disposal of such representations, preferably, within a period of six weeks from the date of receipt of the copy of this order, in accordance with law, if there is no other legal impediment for such disposal. However, it is made clear that this Court has expressed no opinion on merit of such representations in any manner, but, disposal of such representations must be by a speaking order addressing the contention of the learned counsel for the petitioners that the petitioners are entitled to the benefit of the said Government Order, so also their case is covered by the decisions rendered by this Court in the aforesaid case.

6. With the aforesaid order, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrm/sd
To

1. The State of Tamil Nadu rep by
the Secretary,
Public Works Department,
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10. The Executive Engineer,
Public Works Department,
Vellore.

11. The Executive Engineer,
Public Works Department, Thirunelveli.

+lcc to the Government Pleader Sr.57234
+lcc to Mr.S.Ashok kumar, Advocate Sr.56611

सत्यमेव जयते

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srg 20/09/2018

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