

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W. P. NO.12887 of 2018

B.Baskaran

...Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary, Public Works Department,
Fort St.George, Chennai 9.
2. The Chief Engineer (General)
Public Works Department,
Chepauk, Chennai - 5.
3. The Chief Engineer,
W.R.O., Chennai Region,
Chepauk, Chennai 5.
4. The Superintendent Engineer,
W.R.C., Chennai Region,
Chepauk, Chennai - 5.
5. The Executive Engineer,
Public Works Department,
W.R.C. Krishna Water Supply Project Division - I,
Chepauk, Chennai - 5.
6. The Executive Engineer,
Public Works Division,
W.R.C. Krishna Water Supply,
Project Division - 8,
Ambattur, Chennai - 53.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus against the respondents herein, by directing the fourth respondent to consider the petitioner's representation dated 20.04.2018 and to appoint the petitioner after giving personal hearing to him and to pass suitable orders within stipulated time.

For Petitioner

: Mr.V.Raghupathi

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.Government Pleader

O R D E R

Mr. V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

2. The prayer in the writ petition is for issuance of a Writ of Mandamus against the respondents herein, by directing the fourth respondent to consider the petitioner's representation dated 20.04.2018 and to appoint the petitioner after giving personal hearing.

3. The learned counsel for the petitioner submitted that the petitioner was working as a driver in Krishna River Project on daily wages basis to supply drinking water in Chennai city for number of years. From the year 1983 onwards, he has put in continuous service as nominal muster rolls and he was eligible to be regularised even prior to 2000. But, the petitioner's service was not regularised by the Government and Public Works Department inspite of proposals sent through Chief Engineer/Executive Engineer. As per G.O.Ms.No.134 (C2) PWD Department, dated 07.05.2010, the petitioner should be given permanent job, since he joined in the year 1997 and from the year 2000 till 16.04.2014 he has been continuously working as NMR i.e., more than 10 years and every year petitioner worked more than 90 days as driver. The petitioner had been working continuously for more than 10 years from the year 1997 till 16.04.2014 and actually his job ought to have been regularised on 01.07.2008, but the petitioner was asked by the then Assistant Executive Engineer not to attend the duty thereafter i.e., from 17.04.2014 without any reason inspite of his sincere continuous work. From May 2014 onwards, the petitioner had been continuously meeting the respondents and made oral requests to regularise his service and appoint in the permanent post of driver or any other suitable job and also sent a representation to the respondents on 20.04.2018 by RPAD, but till date the respondents have not taken any step.

4. Heard the learned Special Government Pleader also.

5. The petitioner had enclosed the order copy made in O.A.No.8651 of 2000 along with the type set of papers, where the Hon'ble Judges directed the respondents to consider the case of the petitioner as long as work is available as per the order in OA and the said order was only an interim order. No material has been produced by the petitioner to show what happened to the final outcome of the O.A.No.8651 of 2000. The petitioner has

also not produced any document regarding this issue and he has been discontinued from the said post in May 2014 and no materials were produced, only oral request was made to the respondents to regularise his service. It is seen that the petitioner has not acted diligently since 2014 and he has been out of job and now he is seeking regularisation of his job by filing the writ petition in 2018. Under such circumstances, this Court is of the view that the prayer of the petitioner to direct the fourth respondent to consider the representation cannot be accepted, hence this writ petition stands dismissed. No costs.

dpq

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

To

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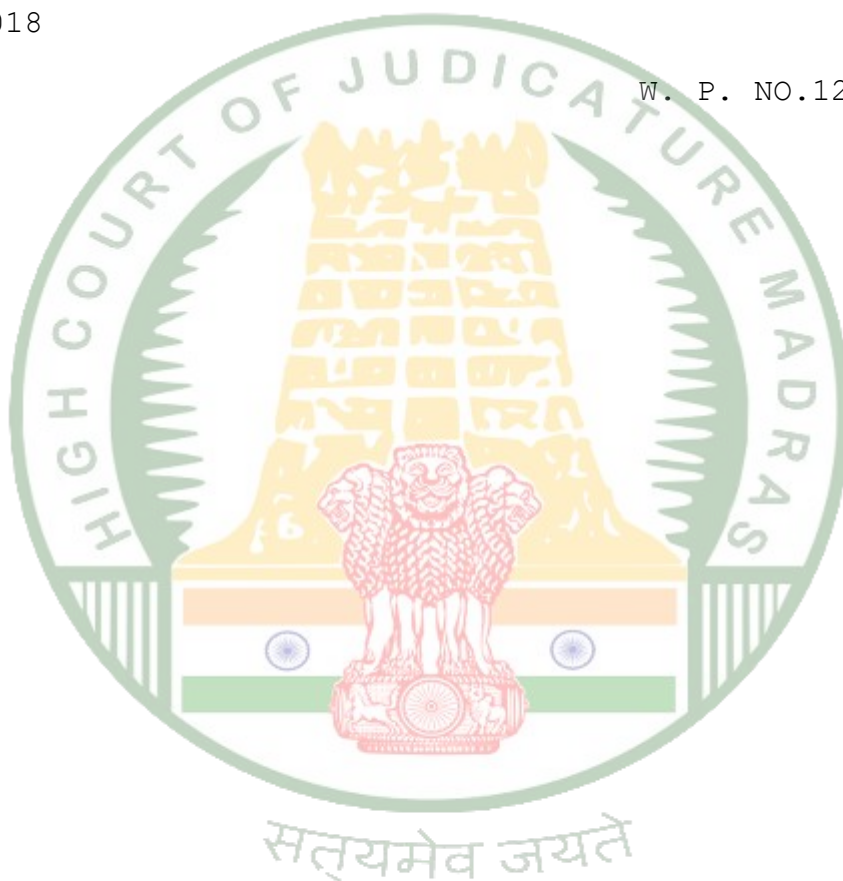
+1cc to Mr.V.Raghupathi, Advocate Sr.No.34143

+1cc to Government Pleader Sr.No.34165

NRI (CO)

sm:30.5.2018

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