

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

Coram

The Hon'ble Mr. Justice T.RAJA

W.P.No.1705 of 2018
and
W.M.P.No.2125 of 2018

1.T.Arigoal

2.R.Sujikumar

3.A.Samuevel

4.M.Govi

.. Petitioners

Vs.

1.The State 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 Superintending Engineer,
Electrical Division,
Public Works Department,
Thallakulam, Madurai.

4.The Executive Engineer,
Electrical Engineer,
Public Works Department,
No.9/10, 19th Street,
Maharaja Nagar, Tirunelveli.

5.The Assistant Executive Engineer,
Public Works Department,
Electrical Sub Division,
Nagercoil.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to regularise the services of the petitioners herein on completion of ten years of casual labourer services respectively based on the proposal and to extend all benefits thereto with reference to the order of the Division Bench in W.A.No.493 of 2016 dated 25.04.2016 and W.A.No.631 of 2016 dated 13.06.2016 and also the same was challenged by the respondent before the Apex Court in S.L.P.(C) C.C.No.17385 of 2016 was dismissed on 30.09.2016 by confirming the Division Bench order and G.O.Ms.No.74 dated 27.06.2013 was quashed for the similarly placed casual labours by this Court in a batch of writ petitions in W.P.Nos.29346, 29212, 15668, 13545, 4989, 10190, 14508, 7594, 7595 of 2014 and 34113 and 34555 of 2013 respectively dated 22.09.2017 and that of the representation dated 05.12.2017 and 11.12.2017.

For Petitioners ... Mr.S.Ashok Kumar

For Respondents ... Mr.V.Kadhirvelu,
Spl. Govt. Pleader

ORDER

This writ petition has been filed seeking the issuance of writ of mandamus to direct the first respondent to regularise the services of the petitioners herein on completion of ten years of casual labourer services respectively based on the proposal and to extend all benefits thereto.

2.These four petitioners were initially appointed as Electrical Helpers. The first petitioner was appointed on 01.04.2005 and has completed 10 years of service during the year 2015. Therefore, a proposal was sent on 06.05.2010 by the Assistant Executive Engineer, Public Works Department, Nagercoil to the third respondent/Superintending Engineer, Electrical Division, Public Works Department, Madurai. Similarly, petitioners 2 to 4 were also appointed as Electrical Helpers on 01.08.2005, 04.08.2004 and 01.01.2005 respectively. Since they have also completed ten years of service, the Assistant Executive Engineer, Public Works Department, Electrical Sub Division, Nagercoil/the fifth respondent has sent a proposal for regularising the services to the third respondent.

3.Subsequent to the proposal sent on 06.05.2010 by the fifth respondent to the third respondent, another letter dated 29.05.2013 was addressed by him to the Electrical Engineer, PWD, Electrical Division, Madurai, which shows that the Board of Engineers Meeting was held on 26.12.2001 and an agenda was

passed to the effect that wherever required, the NMRs in Public Works Department may be engaged as 'contract labour system', as they are engaged for the day to day work in the Government buildings such as Government guest houses, collector offices, revenue buildings, judicial buildings, registration buildings, V.V.I.P. visits and other Government buildings of Tamil Nadu Government and the names of the petitioners are shown as NMR workers. This itself would show that all these petitioners are all working for more than ten years. For that reason, the fifth respondent has recommended the case for regularisation. Therefore, this Court finds no hesitation to direct the first respondent to consider the proposal.

4.Learned Special Government Pleader appearing for the respondents sought for eight weeks time to consider the case of the petitioners. Accepting the said request, eight weeks' time is granted to the first respondent to consider the case of the petitioners, on the basis of the proposal. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 9.

2.The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 5.

3.The Superintending Engineer,
Electrical Division,
Public Works Department,
Thallakulam, Madurai.

4.The Executive Engineer,
Electrical Engineer,
Public Works Department,
No.9/10, 19th Street,
Maharaja Nager, Tirunelveli.

5.The Assistant Executive Engineer,
Public Works Department,
Electrical Sub Division,
Nagercoil.

+1cc to Mr.S.Ashok Kumar, Advocate, S.R.No.8957

W.P.No.1705 of 2018

RRK(26/02/2018)



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