

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.24012 of 2012

E.Mariappan

..Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department, Fort St. George,
Chennai - 600 009.

2.The Engineer in Chief and
Chief Engineer (General),
Chepauk, Chennai - 600 005.

3.The Chief Engineer, Public Works Department,
Water Resources Organization,
Chepauk, Chennai - 600 005.

4.The Assistant Executive Engineer,
Vadaku Pachaiaru Reservoir,
Kalakkadu, Tirunelveli District.

5.The Assistant Executive Engineer,
Electrical Sub Division,
Adyar, Chennai - 600 020.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to regularize the services of the petitioner as per G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 in furtherance of the letter of the fourth respondent in letter No.AA2/1790/2011, dated 09.08.2011 with effect from 12.12.2007 with consequential benefits.

For Petitioner : Mrs.Dakshayani Reddy
For Respondents : Mr.K.S.Suresh
Government Advocate
for R1 to R3 and R5
R-4 (dismissed)

O R D E R

Heard Mrs.Dakshayani Reddy, learned counsel for the petitioner;
Mr.K.S.Suresh, learned Government Advocate for the

respondents 1 to 3 & 5 and perused the materials available on record.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the respondents to regularize the services of the petitioner as per G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 in furtherance of the letter of the fourth respondent in letter No.AA2/1790/2011, dated 09.08.2011 with effect from 12.12.2007 with consequential benefits.

3. The learned counsel for the petitioner would submit that the petitioner's representation dated 05.07.2011 to the Chief Minister Cell has been forwarded to the second respondent, who is the Competent Authority. Despite the same, no order has been passed so far.

4. The learned Government Advocate by referring the counter filed by the fifth respondent would state that the petitioner had not been engaged as Nominal Muster Roll (NMR) employee in any of the office of the respondents and on verification of the relevant record maintained by the fourth respondent, it is evident that no person in the name of the petitioner was appointed as Mazdhur under NMR during the period mentioned by the petitioner herein, but the petitioner, by creating fake Service Register, claimed regularization of his service. According to the learned Government Advocate, the service of the petitioner cannot be regularized.

5. However, considering the fact that the representation of the petitioner dated 05.07.2011 was not disposed of, this Court, without going into the merits of the case, directs the petitioner to give a proper application to the second respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on such receipt, the second respondent shall consider the same and pass orders purely on merits and in accordance with law within a period of eight weeks therefrom.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.
r n s

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Fort St. George,
Chennai - 600 009.

2.The Engineer in Chief and
Chief Engineer (General),
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5.The Assistant Executive Engineer,
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+1cc to the Government Pleader, S.R.No.64623

KR/22/10/18

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