

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.35764 of 2016

1. J.Andrew Charles
 2. K.Raja
 3. D.Vijayakumar ... Petitioners
-
1. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Highways Department, Chennai - 9.
 2. The Director General,
Highways Department,
Chennai - 5.
 3. The Divisional Engineer,
Highways and Rural Works,
Chengalpattu Division,
Chengalpattu - 1,
Kancheepuram District. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to regularise the service of the petitioners and to appoint the petitioners herein in the existing future vacancies in the regular time scale of pay to the petitioners by considering their representation dated 21.09.2015.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for Mr.K.Marinathan

For Respondents : Mrs.R.Janaki
Additional Government Pleader

ORDER

The case of the petitioners is that they were working as NMR-Driver in the Highways Department and though they had put up more than 8 years of service, but their case for regularization has not been considered citing the Government Order in GO.Ms.No.22, Personal and Administration Reform Department, dated 28.02.2006. It

is the case of the petitioner that such a Government Order is not applicable to them inasmuch as in their Department persons rendering three years of service as NMR have been regularised. Hence, petitioners have made representation to the respondents to consider their case for regularisation, as the same has evoked no response, the petitioners came to file this writ petition to direct the first respondent to regularise their service, considering their representation dated 21.09.2015.

2. The learned Senior Counsel appearing for the petitioners submits that this Court in a batch of writ petitions in W.P.Nos.14617, 14619-20 of 2012, have passed orders for regularisation of the services of those persons of the petitioners' department who had rendered three years service, holding that the aforesaid Government Order is not applicable to them and they have been as such regularised. The petitioners as such having rendered more than three years continuous service, have made representation to the first respondent to consider their case in terms of the aforesaid order, but the same having evoked no response, they came to file the writ petition seeking relief of regularisation. However, now the learned Senior Counsel for the petitioners submits that it would be suffice, if the writ petitioners' representation is directed to be disposed of within a stipulated period in the light of the decision of this Court.

3. Mrs.R.Janaki, the learned Additional Government Pleader appearing on behalf of the respondents submits that the first respondent shall have no objection to consider the representation of the petitioners, if the same is pending but no fetter be put by this Court in consideration of such representation except the time limit.

4. Regard being had to the aforesaid facts and submissions made, this Court disposes of this writ petition with the direction to the first respondent to take an informed and considered decision on the representation of the petitioners, if the same is pending yet, within a period of eight weeks from the date of receipt of a copy of this Order, but keeping in mind the order passed in the aforesaid writ petitions, if there is no other legal impediment. However, it is made clear that this Court has expressed no opinion on the merit of such representation in any manner.

5. With the aforesaid order, this writ petition stands disposed of. No costs.

Sd/-

lok

Assistant Registrar(CS)

//True Copy//

To

1. The Secretary to Government,
Government of Tamil Nadu,
Highways Department, Chennai - 9.

2. The Director General,
Highways Department,
Chennai - 5.

3. The Divisional Engineer,
Highways and Rural Works,
Chengalpattu Division,
Chengalpattu - 1,
Kancheepuram District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 58865

+1cc to Mr.K.Marinathan, Advocate SR.No. 57963

+2cc to Mr.K.Marinathan, Advocate SR.No.57963(22/10/2018)

W.P.No.35764 of 2016

CA (CO)
ASK (25/09/2018)



WEB COPY