



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 21358 of 2018

WEB COPY

A. Murugan

... Petitioner

Vs.

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

2. The Executive Engineer,
Water Research Organization,
Public Works Department,
Kundaru Water Basin Division,
Tallakulam,
Madurai - 625 002.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the services of the petitioner herein on and after completion of 10 years of services on the basis of the representation dated 08.11.2017 within a time to be stipulated by this Court.

For Petitioner : Mr. P. Ramachandran

For Respondents : Mr. S. Dhayalan
Govt. Advocate

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to regularize the services of the petitioner herein on and after completion of 10 years of services on the basis of the representation dated 08.11.2017 within a time to be stipulated by this Court.

2. The petitioner has approached this Court contending that he has originally appointed as Non Muster Roll, Mazdoor, on 01.06.1994 and continued to serve till 30.04.1998. He has rendered five years of service as a daily wages employee and that thereafter he has engaged through contractor from 1.12.2006 and continue to do the work. According to the petitioner, he has rendered service and from 01.01.2017 the work has been extracted without salary and no records have been maintained by the so called contractors and that there is



no entry in the service records. As the petitioner has completed more than 10 years of service and that there is a proposal by the Government to regularize the services of 1213 NMR / Contract employees and the issue is pending before the Government, he has made a representation and the same has got to be considered.

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3. From the pleadings it is clear that after 1998, even on going by the admission of the petitioner, he has not employed, but through contractors. Whether the contract system is sham and nominal or not has got to be decided by the appropriate forum and as there is a disputed question of fact, this Court cannot value into the same and grant the relief. The consideration of the representation is not going to give any relief to the petitioner and it would create one more round of litigation. As stated supra, in view of the disputed question of fact, it is open to the petitioner to agitate his rights in the appropriate forum in the manner known to law. The petitioner has no undisputed evidence to establish before this Court that relief sought for by him can be granted.

4. In the result, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 9.
2. The Executive Engineer,
Water Research Organization,
Public Works Department,
Kundaru Water Basin Division,
Tallakulam, Madurai - 625 002.

+1cc to Mr.P.Ramachandran, Advocate Sr.No.92705

MPK

KM/BK/SAR4/07.12.2018/2P/4C

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