

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25425 of 2019

and

WMP.No.24957 of 2019

1. P. Vivekananthan
2. P. Karthikeyan
3. M. Velan
4. B. Mohandoss

..Petitioners

vs

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

2. The Principal Chief Engineer (Buildings),
Public Works Department
Chepauk, Chennai-600 005.

3. The Superintendent Engineer
Public Works Department
Building (C&M) Division
Medical Services
Chepauk,
Chennai- 600 005.

4. The Executive Engineer
Public Works Department
Building (C&M) Division
Medical Services
Chepauk
Chennai- 600 005.

5. The Assistant Executive Engineer
Public Works Department
Building (C&M) division
Medical Services Government Stanley Hospital
Chennai- 600 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ or order or direction and more particularly Writ of Mandamus directing the respondents to regularize the services of the petitioners on completion of 10 years of service in terms of G.O.Ms.22 Personnel and Administration Reforms Department dated 28.02.2006 and in the light of the various orders passed by this Hon'ble court which was upheld by the Division Bench of this Hon'ble High Court and to count the service rendered from the date of initial appointment for payment of pension, fixation of scale of pay, terminal benefits and all other benefits which are granted to regular employee and pass such orders.

For Petitioners : Mr.Thirumoorthy R.

For Respondents : Mrs.A.Srijayanthi, AGP

O R D E R

The learned counsel for the petitioners would submit that the matter relates to regularization of service of petitioners. The Government issued G.O.Ms.No.22, Personnel and Administration Reforms Department, dated 28.02.2006 and ordered to regularize the services of those persons working on temporary basis in all departments, on completion of 10 years of service.

2. The learned counsel for the petitioners further submitted that petitioners filed a writ petition before this Hon'ble Court in W.P.No.16107 of 2012 praying to regularize their service and this Court was pleased to direct the respondents to regularize the service of the petitioners therein against which the Government had filed a Writ Appeal and the same was dismissed by this Hon'ble Court. Subsequent to passing of G.O.Ms.No.22, Personnel and Administration Reforms Department dated 28.02.2006, the Government had passed G.O.Ms.No.74 Personnel and Administration Reforms Department dated 27.06.2013 superseding the earlier G.O. introducing certain conditions that the services of the full time daily wage employees who had completed 10 years of service as on 01.01.2006 alone are eligible to be regularized. The said conditions stated in paragraph 6 of G.O.Ms.No.74 Personnel and Administration Reforms Department dated 27.06.2013 were struck down as unconstitutional by this Hon'ble court in a batch of Writ Petitions in W.P.Nos.29346 of 2014 etc. and directed the respondents to regularize the services of the petitioners therein on the basis of G.O.Ms.No.22 Personnel and Administration Reforms Department

dated 28.02.2006. The Full Bench of this Hon'ble Court had held in the case reported in (2017 (3) CTC 673) that the respondents therein were directed to regularize the services of the petitioners therein from the date of their initial appointment. In terms of G.O.Ms.No.22 Personnel and Administration Reforms Department dated 28.02.2006 and based on the various orders passed by this Hon'ble court in a number of case, they are eligible for regularization of service from the date of their initial appointment and for which they made a representation to the respondent on 09.05.2019 but till date their representation was not considered by the respondents. Hence the present Writ Petition is filed.

3. The learned counsel for the petitioners would submit that it would be suffice to issue direction to the first respondent to consider the representation dated 09.05.2019 submitted by the petitioners and pass orders on merits and in accordance with law.

4. Without expressing any opinion on the merits of the case and considering the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the first respondent to consider the representation dated 09.05.2019, submitted by the petitioners and pass orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

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

2. The Principal Chief Engineer (Buildings),
Public Works Department
Chepauk, Chennai-600 005.

3. The Superintendent Engineer
Public Works Department
Building (C&M) Division
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Medical Services
Chepauk
Chennai- 600 005.

5. The Assistant Executive Engineer
Public Works Department
Building (C&M) division
Medical Services Government Stanley Hospital
Chennai- 600 001.

+lcc to Mr.R.Thirumoorthy, Advocate SR.76951/19
+lcc to the Government Pleader SR.77386/19

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SR(CO)
CB(18/11/2019)



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