

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 28171 of 2019

1. R.Babu

2. K.Thamayanthi

3. S.Indiran

4. S.Jegathampal

5.K.Thimmamma

..Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Govt,
Horticulture department,
St. George Fort,
Chennai - 600 009.

2. The Director of Horticulture and plantation Crops,
3rd Floor, Agriculture Complex,
Chepauk, Chennai - 600 005.

3. The Joint Director of Horticulture,
Vijayanagaram,
Bombay Castle,
Udhagamandalam - 643 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to consider the petitioners' representation dated 22.08.2019 for regularize the petitioner's services on completion of 10 years of daily wage services in light of the G.O.No.494 Agriculture (VeNil) Department dated 29.11.2007 and within a time to be stipulated by this Court.

For Petitioners : M/s.Esairani Narasimman

For Respondents : Mrs.R.Janaki,
Additional Government Pleader.

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 22.08.2019 for regularize the petitioners' services on completion of 10 years of daily wage services in light of the G.O.No.494 Agriculture (VeNil) Department dated 29.11.2007 and within a time to be stipulated by this Court.

2. The case of the petitioners is that the petitioners had entered into the service in State Horticulture Farm, Coonoor as daily wage workers from 1991 onwards. All of them have got a service record of 25 years to 30 years. Their service was not regularized and at present, the petitioners are employed in the State Horticulture Farms. The petitioners submitted that the Government of Tamil Nadu issued G.O.Ms.No.494 Agriculture Department dated 29.11.2007 and pursuant to the G.O., the service of 1083 NMR workers were regularized. Those who have worked on NMR basis for a period of 10 years were regularized and Dearness Allowance was directed to be paid forthwith on par with Noon Meal workers.

3. The learned counsel appearing for the petitioner would submit that as per G.O.Ms.No.494 Agriculture Department dated 29.11.2007 also the petitioners are entitled to be regularized. As per G.O.Ms.No.494 dated 29.11.2007, the services of 1083 workers who are not appointed through employment exchange, are regularized and it is not known as to why the petitioners are not regularized. In fact, this Court passed several orders for regularization of the employees and the said orders were confirmed by the Hon'ble Division Bench and even by the Hon'ble Apex Court. The Government also implemented those orders. The respondent Department passed the proposal dated 22.06.2011, for regularization of their service as on 01.11.2010 and the same is pending more than 8 years, but the respondent has not take any action to regularization their service.

4. The learned counsel appearing for the petitioner would further submits that the petitioners have given several representations to the respondents specifically on 22.08.2019 seeking for regularizing their service. Since no order was passed, they have filed the present writ petition.

5. The learned Additional Government Pleader appearing for the respondents conceded to the request made by the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that it would be suffice if this Court issues direction to the

respondents to consider the petitioners' representation dated 29.11.2007 within a time frame.

7. Without expressing any opinion on merits, I am inclined to issue a direction to the respondents to dispose of the Writ Petitioners' representation dated 29.11.2007, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Govt,
Horticulture department,
St. George Fort,
Chennai - 600 009.

2. The Director of Horticulture and plantation Crops,
3rd Floor, Agriculture Complex,
Chepauk, Chennai - 600 005.

3. The Joint Director of Horticulture,
Vijayanagaram,
Bombay Castle,
Udhagamandalam - 643 001.

+1cc to M/s.Esairani Narasimman, Advocate SR.82090
+1cc to the Government Pleader SR.82807

सत्यमेव जयते

W.P.No. 28171 of 2019

SR(CO)
CB(05/11/2019)

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