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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 30890 of 2019

Muthu

...

Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary to Government
Highways Department, Chennai,
Fort St George, Chennai-9.

2. The Director General
Highways Department
No.76 Sardar Vallabaipatel Road,
Guindy, Chennai-25.

3. The Divisional Engineer,
Highways Department,
Erode -638002.

4. The Divisional Engineer,
Highways Department,
Gopichattypalayam,
Erode District- 638476.

5. The Assistant Divisional Engineer,
Highways Department,
Bhavani, Erode District - 638301.

..

respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the representation dated on 30.03.2018 in the light of the letter in Memo No.2/07/A1 dated 28.01.2008 issued by the 5th respondent and direct the respondents to appoint the petitioner herein in the existing or future vacancies as Gang Mazdoors in regular time scale of pay in consonance with the



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orders passed by this Hon'ble Court in W.P.Nos.911 to 937/2009 dated 18.06.2009 which was upheld by the Division Bench of this Hon'ble Court in Review Application Nos.30/2012 to 37/2012 and 116/2012 to 134/2012 order dated 21.06.2012, 06.08.2012, and confirmed by the Supreme Court in SLP in CC Nos.22523/2012 to 22530/2012 dated 29.07.2013.

For petitioner ... Mr. S. Packiaraj

For respondents ... Mr.A.N. Thambidurai, Spl. G.P.

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner filed this Writ Petition seeking direction to direct the respondents to consider the representation dated on 30.03.2018 in the light of the letter in Memo No.2/07/A1 dated 28.01.2008 issued by the 5th respondent and direct the respondents to appoint the petitioner herein in the existing or future vacancies as Gang Mazdoors in regular time scale of pay in consonance with the orders passed by this Hon'ble Court in W.P.Nos.911 to 937/2019 dated 18.06.2009 which was upheld by the Division Bench of this Hon'ble Court in Review Application Nos.30/2012 to 37/2012 and 116/2012 to 134/2012 order dated 21.06.2012, 06.08.2012, and confirmed by the Supreme Court in SLP in CC Nos.22523/2012 to 22530/2012 dated 29.07.2013.

3. The case of the petitioner is that petitioner was Gang Mazdoor (NMRs) as daily wage employee with the third respondent from 1987, but till date his services were not regularized for which the petitioner made a representation on 30.03.2018 to second respondent, but till date not considered. Hence the present Writ Petition.

4. The learned counsel for the petitioner submitted that it would be suffice to issue direction the second respondent to consider the representation dated 30.03.2018 and pass orders within a reasonable time.

5. Mr. A.N. Thambidurai, learned Special Government Pleader, agrees to dispose of the representation dated 30.03.2018 within a stipulated time.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the second



respondent to dispose of the representation dated 30.03.2018 submitted by the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CCC)

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//True Copy//

Sub Assistant Registrar

mrn

To

1. The State of Tamil Nadu
Represented by its Secretary to Government
Highways Department, Chennai,
Fort St George, Chennai-9.

2. The Director General
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No.76 Sardar Vallabaipatel Road,
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5. The Assistant Divisional Engineer,
Highways Department,
Bhavani, Erode District - 638301.

+1cc to Mr. S. Packiaraj, Advocate SR.91353
+1cc to the Government Pleader SR.91103

W.P. No.30808 of 2019

VSNII(CO)
CB(06/01/2020)