



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.06.2019**

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.609 of 2019

and

C.M.P. (MD) No.4964 of 2019

1. The Assistant Executive Engineer,
WRO (PWD), Officer of Vaippar
Vadinila Sub Division,
Aruppukkottai,
Virudhunagar District.

2. The Executive Engineer,
WRO (PWD),
Vaippar Vadinila Division,
Virudhunagar.

3. The Chief Engineer,
Public Works Department,
Water Resources Organization,
Madurai Region,
Madurai - 625 002.

4. The Principal Chief Engineer cum
Chief Engineer (General),
Water Resources Organization,
Chepauk,
Chennai - 600 005.

5. The Joint Secretary,
The State of Tamil Nadu,
Public Works (C2) Department,
Fort St.George,
Chennai - 2.

: Appellants/Respondents

Vs.

R.Jothimani

: Respondent/Petitioner

PRAYER: Writ Appeals is filed Clause 15 of Letters Patent Act,
against the order dated 10.12.2018, made in WP(MD) No.17305 of
2014.

Prayer in WP(MD)No.17305 of 2014:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass suitable order to regularize the service of the petitioner as night watchman in Vaipparu Vadinila Sub Division, Virudhunagar District with effect from his date of appointment and to give the consequential salary and service benefits and the retirement benefits including pension and other relief and pass such further or other order.

For Appellants : Mr.N.Shanmugaselvam
Additional Government Pleader
For Respondent : Mr.M.Sudha Rani

JUDGMENT

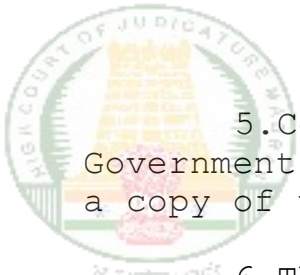
[Judgment of the Court was delivered by **SENTHILKUMAR RAMAMOORTHY, J.**]

This writ appeal arises out of the order, dated 10.12.2018 made in W.P.(MD)No.17305 of 2014, whereby the respondents therein/appellants herein were directed to notionally regularise the service of the petitioner therein/respondent herein from the date of completion of 240th day of employment and to pay the pension and terminal benefits to the petitioner.

2.Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the respondent.

3.From the impugned order, we find that the Writ Court has referred to several Government Orders, whereby the service of daily wage employees and NMR employees have been regularised on the basis that they have rendered more than ten years of service. In addition, the Writ Court has referred to and followed the order passed in W.P.(MD)No.11855 of 2007, whereby the petitioner therein, who was also a night watchman, was directed to be reinstated in service with continuity of service and all attendant benefits without back wages and also directed to be regularised. The Writ Court has specifically referred to the fact that the respondent herein was in service right from 12.10.1983 until his retirement on 31.05.2011 and through out the said period, his service has not been regularised, though several Government Orders have been issued from time to time, based on the recommendations of the third and fourth respondent in the writ petition. Accordingly, we do not find any reason to interfere with the impugned order, except to the limited extent of modifying the rate of interest as 5% p.a. instead of 7.5%, as specified in the impugned order.

4.At this juncture, the learned Additional Government Pleader seeks twelve weeks time to comply with the modified order as stated supra.



5. Considering the submission of the learned Additional Government Pleader, twelve weeks time, from the date of receipt of a copy of this order, is granted to comply with the order.

6. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Assistant Executive Engineer,
WRO (PWD), Officer of Vaippar
Vadinila Sub Division,
Aruppukkottai, Virudhunagar District.
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The State of Tamil Nadu,
Public Works (C2) Department,
Fort St. George, Chennai - 2.
- + 1 CC to Mr. S. Natarajan, Advocate in SR.No.68530

W.A. (MD) No. 609 of 2019

and

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