



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.5241 of 2017

and

W.M.P. (MD) Nos.4195 and 9658 of 2017

P.Eswaran

... Petitioner

-Vs-

The Government of Tamil Nadu,
Represented by its Principal Secretary,
Public Works Department,
St. George Fort, Secretariat, Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to regularize the petitioner's NMR service based on the petitioner's representation dated 17.05.2016 in the light of the orders in S.L.P.Nos.20352/2016, dated 28.10.2016, S.L.P.No.17385/2016 as well as the G.O.Ms.No.680, Public Works (C2) Department, dated 16.08.1995, G.O.Ms.No.22, Public Works (C2) Department, dated 28.02.2006, G.O.(Stand)No.134, Public Works (C2) Department, dated 07.05.2010, G.O.Ms.No.202, Public Works (C2) Department, dated 01.08.2002 from 01.07.2011 are similar to the petitioner are regularized after completion of 10 year NMR service.

For Petitioner : Mr.RJ.Karthick for Mr.M.Venkatesan
For Respondent : Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader.

ORDER

This Writ Petition is filed to direct the respondent to regularize the petitioner's NMR service, based on the petitioner's representation dated 17.05.2016, in the light of the orders in S.L.P.No.20352/2016, dated 28.10.2016, S.L.P.No.17385/2016 as well as the G.O.Ms.No.680, Public Works (C2) Department, dated 16.08.1995, G.O.Ms.No.22, Public Works (C2) Department, dated 28.02.2006, G.O.(Stand)No.134, Public Works (C2) Department, dated 07.05.2010, G.O.Ms.No.202, Public Works (C2) Department, dated 01.08.2002.

2.According to the petitioner, he engaged as NMR by the Executive Engineer of Public Works Department, Periyar Vaigai Basin Division, Madurai, which is under the control of the respondent Department on 01.07.2001 on daily wage basis of Rs.65/- per day. The same was periodically increased and the petitioner was paid



Rs.6,000/- per month. The work, which is doing by the petitioner, is perennial in nature and the petitioner is employing continuously from 2001. Similarly placed persons, like that of the petitioner herein, were regularized on completion of 10 years of service. Therefore, the petitioner gave a representation dated 17.05.2016 to regularize his service, mentioning the names of the similarly placed persons, who were regularized. The petitioner is seeking regularization by relying on the G.O.Ms.No.22, Public Works (C2) Department, dated 28.02.2006, G.O.(Stand)No.134, Public Works (C2) Department, dated 07.05.2010 and G.O.Ms.No.202, Public Works (C2) Department, dated 01.08.2002.

3.The learned counsel appearing for the petitioner contended that the similarly placed persons have filed Writ Petitions and this Court directed the respondent therein to regularize the service as per the Government Orders. Against which, Writ Appeals and S.L.Ps., were filed by the respondent and the same were dismissed and therefore, the petitioner has filed this Writ Petition for a direction to the respondent to regularize his service.

4.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondent and perused the materials available on record carefully.

5.From the materials on record, it is seen that the contention of the learned counsel appearing for the petitioner is that the similarly placed persons were regularized, based on the order of this Court, which was confirmed by the Hon'ble Apex Court. Further, the petitioner has sent a representation for regularization, by relying on the Government Orders mentioned above. In the Writ Petition, the petitioner is seeking regularization, based on the orders of this Court with regard to the similarly placed persons, like that of the petitioner herein.

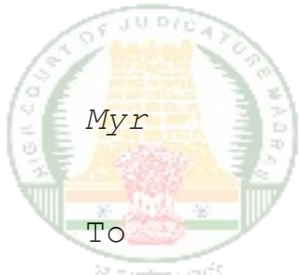
6.Considering the above materials on record, the respondent is directed to consider the representation of the petitioner, taking into account the Government Orders and the order of this Court, which was confirmed by the Hon'ble Apex Court and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //



The Principal Secretary,
Government of Tamil Nadu,
Public Works Department,
St. George Fort, Secretariat, Chennai.

+1CC TO MR.M.VENKATESAN, Advocate Sr. No.97254
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 97762

W.P. (MD) No.5241 of 2017
08.11.2019

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