



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.10340 of 2017

S.Kaliraj

Petitioner

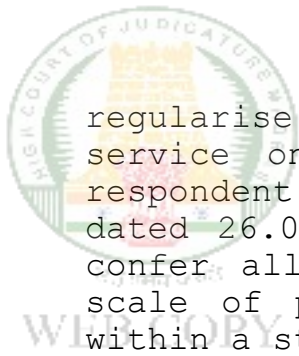
Vs

1. The State of Tamil Nadu
Represented by its Secretary to Government
Public Works Department
Chennai - 600 009
2. The Engineer-in-Chief
Public Works Department (Buildings) & General
Chepauk
Chennai - 600 005
3. The Chief Engineer
Public Works Department
Water Resource Organization
Madurai Zone
Madurai - 625 002
4. The Superintendent Engineer
Water Resource Organization
Public Works Department
Thamiraparani Basin Circle
Tirunelveli - 2
5. The Executive Engineer
Public Works Department
Water Resource Organization
Sittraru Basin Division
Tenkasi, Tirunelveli
6. The Assistant Executive Engineer
Public Works Department
Water Resource Organization
Sittraru Basin Sub Division Kudiyiruppu
Tenkasi

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to

<https://hcservices.ecourts.gov.in/hcservices/>



regularise the petitioner's service on completion of ten years of service on daily wages as per the recommendation of the third respondent to the fourth respondent in Letter No.Th.3/0156/2013 dated 26.02.2013 in view of the G.O.No.22 dated 28.02.2006 and to confer all the monetary and service benefits to him in the time scale of pay by considering his representation dated 19.04.2017, within a stipulated time frame as fixed by this Court.

For Petitioner : M/s.A.Haja Mohideen

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

O R D E R

This Writ Petition is filed to direct the respondents to regularize the petitioner's service on completion of ten years of service on daily wages, as per the recommendation of the third respondent to the fourth respondent, in Letter No.Th.3/0156/2013 dated 26.02.2013, in view of the G.O.No.22 dated 28.02.2006, and to confer all the monetary and service benefits, in the time scale of pay by considering his representation dated 19.04.2017, within a stipulated time frame as fixed by this Court.

2. Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice on behalf of the respondents.

3. According to the petitioner, he was appointed as 'Daily wages servant, Grade I' on 19.08.2012, directly by the respondents and he was working for not less than 90 days per year. On completion of his service for more than ten years, the sixth respondent addressed a letter dated 23.11.2012, in Ko.22/2012 to the fifth respondent, to submit a report with necessary certificates, for regularizing the service of the petitioner. The fifth respondent has also submitted a detailed report vide Letter No.Th.3/Ko.50/2012 dated 27.11.2012 to the fourth respondent. In the said circumstances, the fourth respondent addressed a letter to the fifth respondent in Th.3/0156/2013 dated 26.02.2013, stating that as per the instructions of Engineer in Chief, Public Works Department and Water Resource Department and as per GO.No.22/P& AR dated 28.02.2006 and Letter No.S4(1)/30410/2003 dated 19.01.2009, the petitioner's service of 10 years as a 'Contract daily wager' has been registered in the Service Register and requested to send the copy of above letter and Government order to the office of the fourth respondent. Though the petitioner has made several representations to the respondents for the sake of regularization of his service, no action has been taken by the respondents till date. Finally, the petitioner had sent a representation on 19.04.2017 to the respondents and the same also kept pending. Hence, the petitioner has come out with the present Writ Petition.



4. Considering the nature of relief sought for in the Writ Petition, this Court is inclined to issue some direction to the authorities concerned for considering the petitioner's representation. Further, this Court wants to mention here that, whenever a representation of this nature is kept pending with the concerned authorities, there should be duty conscious to consider the same in one way or other, instead of keeping the same and as such, this Court may be justifiable in invoking its extra-ordinary power by invoking Section 226 of the Constitution of India.

5. In view of the above, this Court directs the respondents to consider the representation of the petitioner dated 19.04.2017, on merits and pass appropriate orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar (CS)

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TO

1. The Secretary to Government
Public Works Department
Chennai - 600 009

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

3. The Chief Engineer
Public Works Department
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Madurai Zone
Madurai - 625 002

4. The Superintendent Engineer
Water Resource Organization
Public Works Department
Thamiraparani Basin Circle
Tirunelveli - 2



5. The Executive Engineer
Public Works Department
Water Resource Organization
Sittraru Basin Division
Tenkasi, Tirunelveli

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6. The Assistant Executive Engineer
Public Works Department
Water Resource Organization
Sittraru Basin Sub Division Kudiyiruppu
Tenkasi

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-103039[F] dated
02/12/2019)

+1 CC to M/s.SPL GP (SR-103111[F] dated 03/12/2019)

W.P. (MD) No.10340 of 2017
02.12.2019

JMN(31.12.2019) 4P : 9C