

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.2575 of 2020

1. R. Jayaprakash
2. N. Balasubramani
3. H. Abusaliya
4. R. Ganesan
5. P. Madhaiyan
6. Velusamy
7. R. Sakthivel
8. K. Rathinam
9. Moorthy
10. R. Lakshmi
11. V.Mathaiyan
12. K. Sagunthala

... Petitioners

-Vs-

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Highways Department, Chennai 600 009.
2. The Director General
Highways Department
No. 76, Sardar Vallabaipatel Road,
Guindy, Chennai 25.
3. The Divisional Engineer
Highways Department
Erode District 638 002
4. The Divisional Engineer
Highways Department,
Gopichattypalayam
Erode District 638 476
5. The Assistant Divisional Engineer
Highways Department,
Bhavani, Erode District 638 301

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ or order or direction particularly in the nature of Writ of Mandamus directing the respondents to consider the representations dated 30.03.2018, 29.08.2019 and 17.09.2019 in the light of the letter in Memo No.2/07/A1 Dated 28.01.2008 issued by the fifth 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 937/2009 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 Petitioners: Mr.S. Packiaraj

For Respondents: Mr. V. Prabhu
Government Advocate for R1 to R5.

ORDER

This Writ Petition has been filed by the petitioners for the issue of Writ of Mandamus directing the respondents to consider the representations made by them and to appoint the petitioners as Gang Mazdoors in the existing or future vacancies, in line with the earlier orders passed by this Court for similarly placed persons.

2. The case of the petitioners is that they are working as Gang Mazdoors in the third respondent department from the year 1987 onwards. For the persons who were continuously working as Gang Mazdoors, a Government Order came to be passed in the year 1981, which provided for appointing these temporary Gang Mazdoors into the department waiving the age and other qualifications. Similarly placed persons had approached this Court and orders were passed by this Court directing the respondents to appoint them as Gang Mazdoors. It is the further claim made by the petitioners that pursuant to the orders passed by this Court, several persons have been appointed as Gang Mazdoors. According to the petitioners, the orders passed by this Court has been confirmed upto the Apex Court. The petitioners also made representations to the respondents on 30.03.2018, 29.08.2019 and 17.09.2019 to appoint them as Gang Mazdoors in a regular time scale of pay in the existing or future vacancies. Since this representation was not considered,

the present Writ Petition has been filed before this Court.

3. Heard Mr.S. Packiaraj, learned counsel for the petitioners and Mr. V. Prabhu, learned counsel for the respondents.

4. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the fourth and fifth respondents to consider the representation made by the petitioners on 30.03.2018, 29.08.2019 and 17.09.2019 and pass appropriate orders within a period of six (6) weeks, strictly in accordance with law and in line with the earlier orders passed by this Court and the appointment that was given to similarly placed persons. The petitioners are directed to make a fresh representation to the fourth and fifth respondents along with a copy of the representations dated 30.03.2018, 29.08.2019 and 17.09.2019 and a copy of this order.

5. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bga

To

1. The State of Tamil Nadu
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Highways Department, Chennai 600 009.
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4. The Divisional Engineer
Highways Department,
Gopichattypalayam
Erode District 638 476

5. The Assistant Divisional Engineer
Highways Department,
Bhavani, Erode District 638 301.

+lcc to Mr.S.Packiaraj, Advocate SR.8367
+lcc to the Government Pleader SR.9036

W.P.NO.2575 of 2020

BS (CO)
CB(10/03/2020)



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