

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21635 and 21636 of 2014

M.Sathiyabama ...Petitioner in W.P.21635/2014
R.Lakshmi Kutty ...Petitioner in W.P.21636/2014

Vs.

- 1.Government of Tamil Nadu
Represented by Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai - 600 009.
- 2.The Director General,
Highways Department,
Chennai - 600 005.
- 3.The Divisional Engineer,
Highways,
Construction and Maintenance,
Coimbatore - 641 018. ...Respondents in both W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to regularize my services from the date of my initial appointment i.e. 01.02.1993 and 02.04.1990 respectively and to absorb me in a regular post in the Highways Department, commensurate with my educational qualifications in the light of proposals submitted by the third respondent in Letter No.13/2008/B2 dated 29.07.2008, Letter No.2277/2012-13 dated 10.08.2012, Letter No.2277/2012-13 dated 24.01.2013 respectively.

For Petitioners : Mr.D.Raja
for M/s.G.Punniyakotti

For Respondents : Mr.S.Thangavel
Special Government Pleader
in both cases

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents to regularize their services from the date of their initial appointment i.e., 01.02.1993 and 02.04.1990 respectively, and to absorb them in a regular post in the Highways Department, commensurate with their educational qualifications in the light of proposals submitted by the third respondent in Letter No.13/2008/B2 dated 29.07.2008, Letter No.2277/2012-13 dated 10.08.2012, Letter No.2277/2012-13 dated 24.01.2013.

2.The case of the petitioners is that the petitioner in W.P.No.21635 of 2014 was appointed as Gang Mazdoor under the supervision and control of Assistant Engineer (Highways), Mettupalayam, on 01.02.1993 on daily wage basis. The petitioner in W.P.No.21636 of 2014 was appointed through Employment Exchange, Coimbatore as Trade Apprentice vide order of the Superintending Engineer, Highways and Rural Works, Coimbatore and she joined the Apprenticeship Trained on 02.04.1990 in the Trade of Draftsman (Civil) for a period of one year. Thereafter, she joined duty as Road Inspector to assist the Assistant Engineer, Highways, Coimbatore on daily wage basis.

3.It is the further case of the petitioners that the Government of Tamil Nadu took a policy decision to bring the employees working on daily wage basis to regular establishment on completion of ten years of service as on 01.01.2006 and issued G.O.Ms.No.22, P & AR Department, dated 28.02.2006.

4.It is the further case of the petitioners that in accordance with the provisions of the said Government Order, the third respondent vide letter dated 29.07.2008 submitted proposal to the Chief Engineer (General) Highway, Chennai, for regularizing the petitioners services. Thereafter, the first respondent vide letter dated 28.06.2013 enclosed

a copy of G.O.Ms.No.74, P & AR (F) Department, dated 27.06.2013 and issued instructions to the Director General (Highways) and other Sub-ordinate Officials to examine the proposals regarding regularization of services of employees working on daily wage basis in accordance with the said Government Order scrupulously.

5.It is the further case of the petitioners that they have completed more than ten years of service and their services ought to have been regularized. In this regard, the petitioners also submitted representation dated 10.10.2013 to the respondents and since there is no response have filed these writ petitions.

6.The learned counsel appearing for the petitioners would submit that though the third respondent has sent proposal for regularizing the petitioners services, till date the services of the petitioners have not been regularized. Though these writ petitions have been filed seeking a larger relief, this Court may issue direction to the respondents 1 and 2 to pass appropriate orders on the third respondents proposals recommending to regularize the petitioners services within a reasonable time frame.

7.Though the respondents have filed counter affidavit, the learned Special Government Pleader has no serious objection for this Court to consider the limited request now made by the learned counsel appearing for the petitioners.

8.In view of the above, this Court directs the respondents 1 and 2 to pass appropriate orders on the proposals sent by the third respondent in Letter No.13/2008/B2 dated 29.07.2008, Letter No.2277/2012-13 dated 10.08.2012, Letter No.2277/2012-13 dated 24.01.2013., within a period of twelve weeks from the date of receipt of a copy of this order.

9.The writ petitions are accordingly disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai - 600 009.

2.The Director General,
Highways Department,
Chennai - 600 005.

3.The Divisional Engineer,
Highways,
Construction and Maintenance,
Coimbatore - 641 018.

+1cc to the Government Pleader, S.R.No.38879

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21636 of 2014

SVI (CO)
KKV/05/01/2021



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