



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5653 of 2020

WEB COPY

- 1.G.Venkatesh
- 2.S.Shanmuga Sundara Chokkalingam
- 3.P.Christopher
- 4.V.Dhanuskodi
- 5.A.Dhanasekara Packia Jebaraj
- 6.R.Sivamurugan
- 7.S.Balamurugan
- 8.P.Jeganathamoorthy
- 9.D.David Thanaraj
- 10.Ebinesar Anban
- 11.T.John Udaya Surian
- 12.P.David
- 13.S.Keeshing Raja
- 14.A.Lakshmanan
- 15.P.George
- 16.S.Packiaraj

... Petitioners

vs.

- 1.The Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai 600 009
- 2.The Managing Director
TWAD Board
31, Kamarajar Salai
Chepauk, Chennai 600 005
- 3.The Executive Engineer
Tamil Nadu Water Supply and Drainage Board
Maintenance Division
120, Ex-Servicemen Welfare Building
Collectorate Campus
Ramanathapuram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first respondent ie. the Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, Chennai to pass orders for providing permanent status to the petitioners as per the proposals sent by the Managing Director, TWAD Board, Chennai in his letter No.5895/WCE/2019 dated 14.01.2020 based on the final orders of the Hon'ble Supreme Court dated 17.09.2019, within a specified time frame that may be fixed by this Court.



For Petitioner : Mr.S.Visvalingam
For R1 : Mr.M.Karuppasamy
Government Advocate
For R2 & R3 : Mr.Porkodi Karnan

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O R D E R

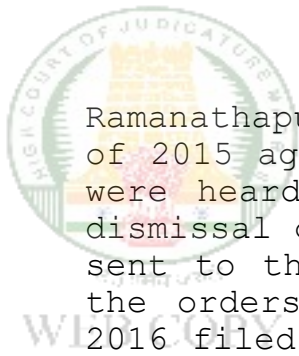
This Writ petition has been filed for a direction to the first respondent ie. the Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, Chennai to pass orders for providing permanent status to the petitioners as per the proposals sent by the Managing Director, TWAD Board, Chennai in his letter No.5895/WCE/2019 dated 14.01.2020 based on the final orders of the Hon'ble Supreme Court dated 17.09.2019, within a specified time frame that may be fixed by this Court.

2.By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioners is that the petitioners were serving in various capacities such Electrical Operation, Chemist, Fitter, Electrician, Helper, Watchman and Store Keeper in the Desalination Project situated at Naripaiyur, Kadaladi Taluk, Ramanathapuram District. They were all serving in the Desalination Project for more than 10 years continuously without any break. They are not absorbed in the regular time scale of pay. The Inspector of Factories, Sivagangai considering their pathetic situation made detail enquiries, issued specific orders under Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 confirming the petitioners job mentioned above. But the above said orders were not implemented by the TWAD Board and they preferred a writ petition in W.P(MD).No.13038 of 2011 against the orders of the Inspector of Factories passed in favour of Workmen, dated 11.07.2011. The workmen also preferred a writ petition in W.P(MD). No.9549 of 2012 for implementing the orders dated 11.07.2011 of the Inspector of Factories. Thereafter, the writ petition filed by the TWAD board was dismissed and the writ petition filed by the workmen was allowed on 22.05.2014. Against which, the TWAD Board filed a writ appeal and the same was also dismissed by this Court on 12.02.2015. While dismissing both the Writ appeal filed by the TWAD Board, this Court has specifically directed the Executive Engineer, TWAD Board, Ramanathapuram to implement the orders dated 11.07.2011 of the Inspector of Factories, Sivagangai, within a period of four weeks from the date of receipt of the order. But, the Executive Engineer did not comply with the order passed by this Court, dated 12.02.2015.

4.The learned counsel for the petitioner would submit that after sending contempt notice, the Executive Engineer,

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



Ramanathapuram filed a review application in Rev.Appl.Nos.133 & 134 of 2015 against the order dated 12.02.2015. The review applications were heard on 18.11.2015 and the same was also dismissed. After dismissal of the review applications, the second contempt notice was sent to the Executive Engineer, TWAD Board, Ramanathapuram to obey the orders forthwith. Thereafter, the contempt petition No.257 of 2016 filed before the Hon'ble Division Bench was closed, since TWAD Board obtained stay orders from the Hon'ble Supreme Court by its order dated 22.04.2016. After hearing the case, the Hon'ble Supreme Court in its order dated 07.05.2019 dismissed all the Special Leave Petitions and the review applications were also dismissed on 17.09.2019. In contempt petition No.257 of 2016, a direction was issued by the Hon'ble Division Bench of this Court by an order dated 18.10.2019 to implement the order within a period of three months from the date of receipt of a copy of the order. On receipt of the order dated 18.10.2019 and the issuance of contempt notice dated 24.01.2020 to the Managing Director, TWAD Board, Chennai, the Managing Director, TWAD Board, Chennai in his proceedings in letter dated 14.01.2020 has sent proposals to the first respondent, the Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, Chennai for implementing the orders of the Hon'ble Supreme Court by giving permanent status to the labourers engaged by the regulations of TWAD Board. The petitioners were also informed that on receipt of the orders from the Government, they will be absorbed on permanent basis. Therefore, the learned counsel for the petitioner would pray that it becomes absolutely necessary to issue a direction to the first respondent to pass orders for providing permanent status to the petitioners as per the proposals sent by the Managing Director, TWAD Board, Chennai in his letter, dated 14.01.2020 based on the final orders of the Hon'ble Supreme Court, dated 17.09.2019 within a stipulated time frame to be fixed by this Court.

5.Heard the learned counsel for the petitioner; the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

6.It is very unfortunate case that in spite of giving ample opportunities to the respondents for complying with the order passed by this Court as well as the Hon'ble Supreme Court, they have not taken any immediate action. Perusal of record shows that now the proposal dated 14.01.2020 has been sent to the first respondent and the same is pending for approval from the Government. It is very unfortunate that the petitioners were fighting from 2011 onwards and till date, they were not enjoying the fruits of the order. Considering the history of the case and also considering the fact that the proposal has already been sent to the first respondent, the first respondent shall treat the matter as exceptional and to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above directions, this Writ petition is disposed of.
No costs.

For reporting compliance, post on 03.06.2020.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa

To:-

The Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, Chennai 600 009

Copy to:
The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-12207[F] dated
18/03/2020)
+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-12330[F] dated
18/03/2020)
+1 CC to M/s.SPL.GP (SR-12452[F] dated 19/03/2020)

W.P. (MD) No.5653 of 2020

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