



WEB COPY

W.A.(MD)Nos.952 to 954 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR. JUSTICE C.SARAVANAN**

W.A (MD)Nos.952 to 954 of 2017

and

C.M.P.(MD)Nos.6417, 6419, 6421 of 2017 ad 10983 10985 and 10987 of 2019

- 1.The Secretary,
Government of Tamil Nadu,
Department of Public Works,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Chief Engineer,
Public Works Department,
(Building Construction and Maintenance)
Chepauk, Chennai - 600 005.
- 3.The Superintending Engineer,
Public Works Department,
(Building Construction and Maintenance),
Tirunelveli.
- 4.The Executive Engineer,
Public Works Department,
(Building Construction and Maintenance),
Nagercoil Division, Kanyakumari District.
- 5.The Assistant Executive Engineer,
Public Works Department,
(Building Maintenance) Sub Division,
Kuzhithurai, Kanyakumari District. : Appellants in all cases

Vs.

- D.Rajesh Mesia Das :Respondent in W.A.(MD)No.952 of 2017
- T.Dhanalakshmi :Respondent in W.A.(MD)No.953 of 2017
- D.Angelin Jayakumar :Respondent in W.A.(MD)No.954 of 2017

Common Prayer: Writ Appeals filed under Clause 15 of the Letter Patent, to set aside the order of this Court in W.P.(MD)Nos.18069, 18070 and 18071 of 2013, dated 02.09.2016.



Prayer in WP(MD). 18069, 18070 and 18071 of 2013 :

Writ Petitions filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in letter No.2302/2008/Tha.2/dated 4.10.2013 and quash the same as illegal and consequentially direct the respondents to regularize the service of petitioners with time scale of pay from the date of completion of ten years service.

For Appellants	:Mr.D.Muruganandam Additional Government Pleader
For Respondent	:Ms.Krishnaveni for Mr.S.Veerasingam (in all cases)

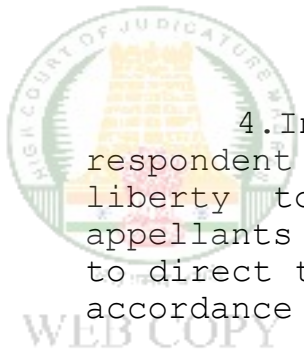
COMMON JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

All the three appeals have been filed by the respondents in the Writ Petitions. The respondent in these writ appeals along with other have filed Writ Petitions to quash the order passed by the Executive Engineer, Public Works Department, dated 04.10.2013.

2.By the impugned order, the fourth respondent had refused to regularise the service of the writ petitioners on the ground that they have not completed 10 years of service for regularisation in terms of Government Order, which authorises the department to regularise the services of persons on completion of ten years of service. The learned Single Judge, by order dated 02.09.2016 allowed all the Writ Petitions by holding that the petitioners are entitled to regularisation by extending the benefit of G.O(2D)No.29. Challenging the same, the respondents in the Writ Petition have preferred the above appeals. The learned Additional Government Pleader made submissions on the merits of the case pointing out how the respondents in these appeals are not entitled to the benefit of Government Order.

3.The learned Counsel for the respondent in the appeals submitted that that Government may be directed to consider the case of the petitioner in the light of G.O(2D)No.29, dated 09.02.2016 for regularisation of their services. However, this Court is unable to grant such relief without adjudication, as serious objections have been raised by the appellants that the learned Single Judge erred in granting such relief.



4.In the said circumstances, the learned Counsel for the respondent requested this Court to dispose of the Writ Petition with liberty to the respondents in these appeals to approach the appellants seeking relief as granted to similarly placed persons and to direct the appellants to pass appropriate orders on merits and in accordance with law.

5.Having regard to the submission of learned Counsel for respondent, without going into the merits of respective contentions, this Court is inclined to dispose of the Writ Appeals in the following lines:

6.These Writ Appeals are allowed. The order passed by the learned Single Judge in W.P.(MD)Nos.18069, 18070 and 18071 of 2013, dated 02.09.2016 are set aside. It is open to the writ petitioners to approach the appellants by making a representation. On such representation being made by the individual writ petitioner, the appellants are directed to consider their representation and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr

To

- 1.The Secretary,
Government of Tamil Nadu,
Department of Public Works,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Chief Engineer,
Public Works Department,
(Building Construction and Maintenance)
Chepauk, Chennai - 600 005.
- 3.The Superintending Engineer,
Public Works Department,
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Tirunelveli.



4.The Executive Engineer,
Public Works Department,
(Building Construction and Maintenance),
Nagercoil Division, Kanyakumari District.

5.The Assistant Executive Engineer,
Public Works Department,
(Building Maintenance) Sub Division,
Kuzhithurai, Kanyakumari District.

+3 CC to Mr.S.VEERANASAMY, Advocate (SR-12597[F] dated 20/03/2020)

+1 CC to M/s.SPL.GP (SR-12697[F] dated 20/03/2020)

W.A(MD)Nos.952 to 954 of 2017
19.03.2020

VB(02.06.2020) 4P 10C