

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2335 of 2021

M.G.Enayathulla

...Petitioner

Vs

1. The Principal Secretary to the Government,
Government of Tamil Nadu,
Public Works Department,
Secretariat, Chennai-600 009.
2. The Engineer in Chief (WRO) and
Chief Engineer (General),
Chepauk, Chennai-600 005.
3. The Executive Engineer,
Public Works Department (WRO),
Ground Water Division,
Vellore District.
4. The Assistant Executive Engineer,
Public Works Department (WRO),
Ground Water Division,
Melmonavur, Vellore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to regularise the service of the petitioner in the cadre of Irrigation Assistant with effect from 01.07.2007, the date on which the petitioner completed ten years of service as Mazdoor (NMR) on daily wage basis in accordance with G.O. Ms. No.202, Public Works (C2) Department, dated 01.08.2012 and in the light of the proposal dated 05.05.2011 of the fourth respondent, the order dated 29.11.2016 passed in W.P. No.36290 of 2016 and by considering the representation dated 01.08.2018 of the petitioner.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.Loganathan,

O R D E R

This writ petition has been filed, seeking a direction to the first respondent to regularise the service of the petitioner in the cadre of Irrigation Assistant with effect from 01.07.2007, the date on which the petitioner completed ten years of service as Mazdoor (NMR) on daily wage basis in accordance with G.O. Ms. No.202, Public Works (C2) Department dated 01.08.2012 and in the light of the proposal dated 05.05.2011 of the fourth respondent and the order dated 29.11.2016 passed in W.P. No.36290 of 2016 and by considering the representation dated 01.08.2018 made by the petitioner.

2. By consent of both sides, final orders are passed in the writ petition. Mr.Loganathan, learned Standing Counsel takes notice for the respondents.

3.The case of the petitioner is that the petitioner, was initially appointed as Mazdoor in the fourth respondent office on 01.06.1997, and even after rendering more than 22 years of service, his service is not regularized yet. While so, G.O.Ms.No.202 Public Works (C2) Department dated 01.08.2012 was issued by the 1st respondent, regularising the service of juniors of the petitioner on completion of 10 years of service as Mazdoor. But the said benefit has not been extended to the petitioner till now. Therefore, the petitioner made a representation dated 01.08.2018 to the respondents to regularise his service in the cadre of Irrigation Assistant with effect from 01.07.2007, the date on which the petitioner completed ten years of service as Mazdoor on daily wage basis in the light of G.O.Ms.No.202, Public Works (C2) Department, dated 01.08.2012. As there is no response on his representation, the petitioner is before this Court.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the first respondent to consider the representation of the petitioner dated 01.08.2018 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to all parties concerned, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 01.08.2018 and this order, to the respondents forthwith. The

respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vum

To:

1. The Principal Secretary to the Government,
Government of Tamil Nadu,
Public Works Department,
Secretariat, Chennai-600 009.
2. The Engineer in Chief (WRO) and
Chief Engineer (General),
Chepauk, Chennai-600 005.
3. The Executive Engineer,
Public Works Department (WRO),
Ground Water Division,
Vellore District.
4. The Assistant Executive Engineer,
Public Works Department (WRO),
Ground Water Division,
Melmonavur, Vellore District.

+1cc to Mr.S.Mani, Advocate, S.R.No.7201
+1cc to the Government Pleader, S.R.No.7319

W.P.No.2335 of 2021

CP(CO)
KKV/18/03/2021