

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 29.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.28863 of 2011

1.R.Murugan
2.C.Arul Raj
3.P.Venkatraman
4.R.Ravi
5.K.Jaisankar
6.G.Ranjini
7.C.Sridaran
8.T.Thanumalaya Moorthi
9.G.Surendran
10.R.Ramesh
11.D.Thirunavukkarasu
12.D.Sundaramoorthy ... Petitioners

Vs.

1.State rep. by
The Commissioner,
Directorate of Technical Education (DOTE),
Guindy, Chennai - 25.03.2021
2.The Additional Director
Technical Education (Exams)
Directorate of Technical Education,
Guindy, Chennai - 25. ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondent authorities to absorb all the petitioners herein into the regular service in the respondent Directorate of Technical Education.

For Petitioners: Mr.P.T.Perumal

For Respondents: Mr.Akil Akbar Ali
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondent authorities to absorb all the petitioners herein into the regular service in the respondent Directorate of Technical Education.

2.These petitioners claimed to have been engaged by the respondent Department i.e. Director of Technical Education as daily wage basis to do the work called loading and unloading of the voluminous or bulk documents received are to be sent from the Office of the Directorate of Technical Education to various institutions throughout the State, which includes study materials and question papers also. Therefore, their job according to the petitioners, are permanent or perennial in nature. Therefore, they are continuously engaged for more than a decade even at the time of making this writ petition.

3.Therefore, in order to get absorption or regularisation in the job, where they had been engaged on daily wage basis for several years, these petitioners jointly had given a representation on 28.07.2011 to the respondents. However, that representation since was not considered and nothing was forthcoming from the respondents, these petitioners have approached this Court by filing this present writ petition with the aforesaid prayer.

4.Heard Mr.P.T.Perumal, learned counsel appearing for the petitioners, who having reiterated the aforesaid facts, would submit that, if the request of the petitioners is directed to be considered by the respondents on merits and in accordance with law within a time frame that may be stipulated by this Court and an order to that effect, as directed, to be passed, the petitioners would be satisfied.

5.Per contra, Mr.Akil Akbar Ali, learned Government Advocate appearing for the respondents would submit that, whether the claim made by the petitioners that they have been continuously engaged on daily wage basis, is a genuine one or not, or whether on that basis the petitioners are entitled to get any regularisation or absorption without having the names being sponsored from the Employment Exchange and appointed them even on temporary basis on substantive vacancy, all these issues or matters are to be gone into, for which, the respondents has to examine the claim made by the petitioners through the representation, therefore, the said representation definitely would be considered and decided on merits and in accordance with law. However, such consideration would not automatically make them eligible or entitled to get or claim the status of permanent absorption in the Department, as claimed by them and that would be decided only based on the available records and also an order to that effect has to be passed within a time frame.

6.I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7.As has been stated by the learned counsel appearing for the petitioners, it is the claim made by the petitioners that, they have been continuously engaged for several years on daily wage basis and according to the learned counsel appearing for the petitioners, he has received instruction from the petitioners that, even now they have been continuously engaged and they are doing the job on daily wage basis. However, for such a longer service of daily wager, they should have been, by the time, regularised, but that has not been done, despite the request made in this regard by way of representation as stated above and therefore, he seeks indulgence of this Court.

8.However, it is the stand of the respondents, as projected by the learned Government Advocate that, whether the claim made by the petitioners is genuine or

not, has to be gone into and in this regard, the representation given by the petitioners definitely would be considered on merits and an order to that effect would be passed within a time frame.

9. In that view of the matter and by taking into account the respective stand taken by the learned counsel appearing for the parties, as recorded above, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the respondents, especially the first respondent to consider and decide the request made by the petitioners through representation dated 28.07.2011 with regard to their grievance of regularisation or absorption on permanent basis and pass orders thereon on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

Sgl

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Guindy, Chennai - 25.03.2021

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SR-II (CO)

EU 07/04/2021