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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2975 of 2012

K.Perumal Raj

...Petitioner

Vs

1.The Office of the Chief Director,
Highways Department,
Chepauk, Chennai-600 005.

2.The State of Tamil Nadu,
Rep. by its Secretary,
Highways (HK3) Department,
Fort St. George, Chennai-600 009.

3.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai-600 005.

4.The Divisional Engineer,
Highways, Construction and Maintenance,
Elandakulam Road,
Palayamkottai, Tirunelveli-2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records which culminated in issuing the proceedings in Kurippanai No.37053/Nirvagam 5(1)/2006 dated 24.10.2011 on the file of the first respondent, quash the same and consequently direct the respondents to regularize the service of the petitioner in the cadre of Technical Assistant with all consequential service and monetary benefits.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents: Mr.S.Thangavel, SGP



O R D E R

By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner herein was absorbed as a NMR/Technical Assistant on daily wages and he had served between 1993 and 2001. The services of the NRMs, who had completed 10 years of service as on 01.01.2006, are entitled to be absorbed into regular Government service, in view of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006. The petitioner herein claims that he has completed 10 year of service and therefore seeks for regularization in the present writ petition.

3. The respondents have filed a counter affidavit stating that the petitioner was serving as NMR on daily wages from 1993 to 2001 with break period of service and as per the records, the petitioner herein had worked for a period of 980 days alone. Since G.O.Ms.No.22, dated 28.02.2006 prescribes that the services of the NRMs, who were working as on 01.01.2006 and has completed 10 years of service alone can be absorbed, the petitioner herein may not be justified in seeking for regularization, since he has not put in the required amount of service between 1993 and 2001, as per the counter affidavit filed by the Joint Director of the Highways Department, Chennai, dated 22.03.2021.

4. I do not find any reason to disbelieve this factual aspect, which has been filed by way of a counter affidavit before this Court. Since the only ground raised by the petitioner that he had put in 10 years of service has been disproved in the counter affidavit, there are no merits in the present writ petition. Accordingly, the same stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



hvk
To

- 1.The Office of the Chief Director,
Highways Department,
Chepauk,
Chennai-600 005.
- 2.The Secretary,
The State of Tamil Nadu,
Highways (HK3) Department,
Fort St.George,
Chennai-600 009.
- 3.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai-600 005.
- 4.The Divisional Engineer,
Highways, Construction and Maintenance,
Elandakulam Road,
Palayamkottai, Tirunelveli-2.

+lcc to M/s.B.Nedunchezhiyan, Advocate Sr.24953
+lcc to the Government Pleader Sr.25304

W.P.No.2975 of 2012

vsn II[co]
srg 14/07/2021