

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31553 of 2014

R.Bhagavathi Kumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works Department,
Chennai - 600 009.
 - 2.The Chief Engineer (General) WRO and Engineer in Chief
Public Works Department,
Chepauk,
Chennai - 600 005.
 - 3.The Engineer in Chief (Building) and
The Chief Engineer (Buildings) Chennai Division,
Public Works Department,
Chepauk,
Chennai - 600 005.
 - 4.The Superintending Engineer,
Buildings Construction and Maintenance Circle,
Public Works Department,
Tirunelveli.
 - 5.The Executive Engineer,
Public Works Department,
[Buildings Construction and Maintenance Division]
Nagercoil.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 26.09.2014 and to pass appropriate orders regularizing the service of the petitioner in accordance with law within a stipulated time limit.

For Petitioner	: M/s.Malarvizhi Udayakumar
For Respondents	: Mr.S.Thangavel Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents 1 to 3 to consider his representation dated 26.09.2014.

2.The case of the petitioner is that he entered the service of the respondent department on 01.01.1993 as NMR. Since his service was not regularized on completion of ten years, he along with 11 others filed W.P.No.20969 of 2008, which was disposed of, by order of this Court dated 29.09.2009. Pursuant to the said order, the services of 11 others have been regularized, however, the petitioner's service was not regularized. In this regard, the petitioner made representation to the respondents. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3.Upon notice, the respondents filed a detailed counter affidavit inter alia stating that in order to regularise the NMR services of the petitioner, the service rules relating to mode of recruitment, age and educational qualification have to be relaxed and therefore, his request to regularise his services cannot be complied in accordance with G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013. It is also stated therein that in the order dated 29.09.2009 passed in WP.No.20969 of 2008, it was clearly stated that the relief sought for by the petitioners therein cannot be granted and that, the question as to whether the petitioners are entitled for regularisation, will have to be considered by the respondents.

4.Heard both sides and perused the records.

5.It is seen that earlier, the petitioner approached this Court along with 11 others seeking a direction to the respondents therein to regularize their services from the date of initial appointment. By order dated 29.09.2009, this Court disposed of the said writ petition bearing No.20969 of 2008, in the following terms:

"2.The relief sought for by the petitioners cannot be granted by this Hon'ble Court. The question as to whether the petitioners are entitled for regularization and as to whether they have put in ten years of service will have to be considered by the respondents. Further this Court cannot issue a writ of mandamus to the respondents to regularize the service of the petitioners. However taking into consideration of the grievance of the petitioners, liberty is given to the petitioners to approach the

respondents by way of representation seeking regularization. As and when such representations are given by the petitioners, the fifth respondent is directed to consider the same. If the fifth respondent finds that the petitioners are entitled to be regularized then the respondents 3 and 2 are further directed to take appropriate steps based upon such recommendations of the fifth respondent."

Pursuant to the aforesaid order, the services of 11 others were regularized, however, the petitioner's service was not regularized. Hence, he made a representation dated 26.09.2014 to the respondents, which was not considered.

6. In the given factual backdrop, taking note of the fact that the averments made in the counter affidavit filed by the respondents have been seriously refuted by the learned counsel for the petitioner, this Court finds it appropriate to issue a direction to the respondents.

7. Accordingly, this Court directs the respondents to consider the petitioner's representation dated 26.09.2014, taking into consideration the services rendered by the petitioner, and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Secretary to Government,
Public Works Department,
Chennai - 600 009.

2. The Chief Engineer (General) WRO and Engineer in Chief
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Chennai - 600 005.

3.The Engineer in Chief (Building) and
The Chief Engineer (Buildings) Chennai Division,
Public Works Department,
Chepauk,
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4.The Superintending Engineer,
Buildings Construction and Maintenance Circle,
Public Works Department,
Tirunelveli.

5.The Executive Engineer,
Public Works Department,
[Buildings Construction and Maintenance Division]
Nagercoil.

+1 cc to Government Pleader Sr.No. 4037

W.P.No.31553 of 2014

A.SK(01.07.2021)



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