



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.25201 of 2019

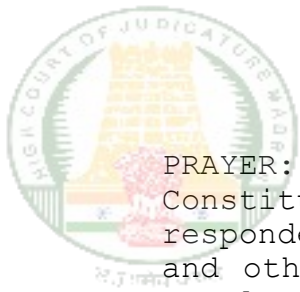
- 1.A.Subramani
- 2.G.Elumalai
- 3.J.Sugumar
- 4.J.Chandiran
- 5.K.Krishnamurthy
- 6.J.Palanivel
- 7.L.Longismary
- 8.D.Munusami
- 9.D.Selvasundaram
- 10.S.Ganesan
- 11.B.Krishnan
- 12.P.Sarasammal
- 13.S.Raman
- 14.P.Settu
- 15.R.Rajasekar
- 16.F.Esuraja
- 17.A.Kamaraj
- 18.P.Annadurai
- 19.N.Thangavel
- 20.V.Baskar
- 21.G.Prabakaran
- 22.N.Tamilvanam
- 23.S.Jesudoss
- 24.R.Nagarathinam
- 25.G.Ravikumar
- 26.D.Veeraian

...Petitioners

Vs

- 1.The State of Tamil Nadu rep.by  
Its Secretary, Public Works Department,  
Fort St.George, Chennai-600 009.
- 2.The Chief Engineer and Engineer in Chief (General)  
Public Works Department,  
Chepauk, Chennai-600 005.
- 3.The Chief Engineer (Buildings)  
Public Works Department,  
Chepauk, Chennai-600 005.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to grant and extend notional pay fixation and other benefits arising thereto to the petitioners herein on completion of 10 years of services as casual labourer/NMR as ordered in G.O.Ms.No.334, Public Works (C2) Department dated 19.10.2007 and the respective dates mentioned therein by applying the dictum laid down in W.A.Nos.168 & 169 of 2012 dated 08.08.2014 as confirmed in SLP(c) No.9122-9123 of 2016 dated 29.06.2016 and implemented vide G.O.Ms.No.235 Public Works (C2) Department dated 30.11.2017 within a time to be stipulated by this Court.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.K.Tippu Sulthan,  
Government Advocate

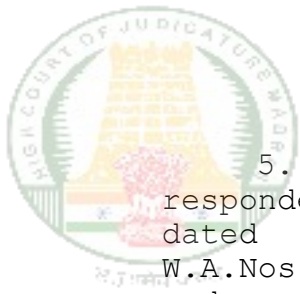
#### ORDER

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

2. Since the petitioners' request for notionally fixing their pay from the date of completion of 10 years of service was not considered, the present writ petition has been filed. According to the petitioners, they have made a joint representation to the Principal Secretary, Public Works Department in this regard on 19.03.2019, which is still pending.

3. The learned counsel for the petitioners placed reliance on the judgment of the Hon'ble Division Bench of this Court passed in W.A.Nos.168 & 169 of 2012 dated 08.08.2014 and submitted that an identical issue was considered by the Hon'ble Division Bench, wherein the respondents were directed to notionally fix the pay of the appellants/ petitioners therein retrospectively with effect from the date of completion of 10 years of service as NMRs with monetary benefits from the date of the Government Order dated 19.10.2007.

4. In the light of the submission made by the learned counsel for the petitioner, it would be appropriate to direct the second respondent herein to consider the petitioners' representation dated 19.03.2019, in the light of the judgment made in W.A.Nos.168 & 169 of 2012, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



5. Accordingly, there shall be a direction to the second respondent herein to consider the petitioners' representation dated 19.03.2019, in the light of the judgment made in W.A.Nos.168 & 169 of 2012 dated 08.08.2014, on its own merits and pass appropriate orders in accordance with law, within a period of 4 months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sbn

To

- 1.The Secretary,  
The State of Tamil Nadu,  
Public Works Department,  
Fort St.George, Chennai-600 009.
- 2.The Chief Engineer and Engineer in Chief (General)  
Public Works Department,  
Chepauk, Chennai-600 005.
- 3.The Chief Engineer (Buildings)  
Public Works Department,  
Chepauk, Chennai-600 005.

+1cc to Mr.L.Chandrakumar, Advocate SR No.33842

W.P.No.25201 of 2019

SS (CO)  
PR (19/08/2021)