



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.04.2021

CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.8748 & 8749 of 2021

A.Angusamy ... Petitioner in W.P(MD)No.8748/2021
P.Rajamanickam ... Petitioner in W.P(MD)No.8749/2021
vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Highways and Rural Works Department,
Fort St. George,
Chennai - 09.
- 2.The Chief Engineer,
Highways and Rural Works,
Chepauk,
Chennai - 09.
- 3.The Divisional Engineer,
Highways and Rural Works,
Trichy Division,
Trichy.
- 4.The Assistant Engineer,
Highways and Rural Works,
Trichy District. ... Respondents in both W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Mandamus, directing the respondents to implement the orders of this Court passed in W.P.No.33300 of 2006, dated 13.03.2007 and absorb the petitioners as NMR (Nominal Muster Roll) and regularize the petitioners' service from the date of original appointments ie., 04.06.1988 and 01.01.1988 with all attendant benefits including arrears of salary.

For Petitioner	: Mr.S.Ramesh
(In both W.Ps')	
For RR 1 to 3	: Mr.C.Ramesh
(In both W.Ps')	Special Government Pleader



COMMON ORDER

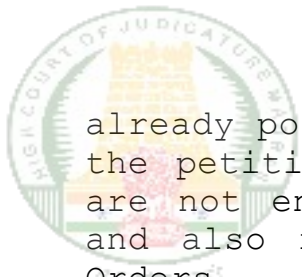
These Writ Petitions are filed seeking Writs of Mandamus, directing the respondents to implement the orders of this Court passed in W.P.No.33300 of 2006, dated 13.03.2007 and absorb the petitioners as NMR (Nominal Muster Roll) and regularize the petitioners' service from the date of original appointments ie., 04.06.1988 and 01.01.1988 with all attendant benefits including arrears of salary.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. According to the petitioners, they were engaged as Nominal Muster Roll employees on 04.06.1988 and 01.01.1988 and continued their services till 01.07.1993 and 01.07.1995 respectively. In the meantime, the Government passed various orders regularizing the services of the employees like that of the petitioners. Further, according to the petitioners, the Association, in which the petitioners are members, filed Original Application in O.A.No.8383 of 1997 before the Tamil Nadu Administrative Tribunal and the said O.A was transferred before this Court and numbered as W.P.No.33300 of 2006 and in the said Writ Petition, this Court, by an order, dated 13.03.2007, after considering various Government Orders, directed the respondents to regularize all the persons mentioned in the annexure. The petitioners were in Serial Nos.18 and 16 respectively in Trichirappalli Division. However, the respondents did not regularize the services of the petitioners and therefore, the petitioners have come out with the present Writ Petitions.

4. The learned Special Government Pleader appearing for the respondents submitted that as per the Government Orders referred to by this Court in the order, dated 13.03.2007 made in W.P.No.33300 of 2006, only the persons, who have completed 10 years of service alone are entitled to regularization. The petitioner in W.P(MD)No.8748 of 2021 worked only from 04.06.1988 to 01.07.1993 (5 years and 27 days) and the petitioner in W.P(MD) No.8749 of 2021 worked only from 01.01.1988 to 01.07.1995 (7 years and 6 months) respectively, and hence, the petitioners are not entitled to the benefit given in the Government Orders and not entitled for regularization of service as per the Government Orders and prayed for dismissal of these Writ Petitions.

5. From the rival submissions made on either side and the averments made in the affidavit filed in support of the present Writ Petitions, it is seen that the petitioners were engaged as Nominal Muster Roll employees on 04.06.1988 and 01.01.1988 and continued their services till 01.07.1993 and 01.07.1995 respectively. As



already pointed out by the learned Special Government Pleader that the petitioners have not worked for 10 years and therefore, they are not entitled to the benefits given in the Government Orders and also not entitled for regularization as per the Government Orders.

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6. In view of the above, both the Writ Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary,
Highways and Rural Works Department,
Fort St. George, Chennai - 09.

2. The Chief Engineer,
Highways and Rural Works,
Chepauk, Chennai - 09.

3. The Divisional Engineer,
Highways and Rural Works,
Trichy Division, Trichy.

4. The Assistant Engineer,
Highways and Rural Works,
Trichy District.

+2 CC to M/s.V.RAGHAVACHARI, Advocate (SR-18319[F] dated 03/05/2021)

+1 CC to M/s.GP (SR-18424[F] dated 03/05/2021)

W.P(MD)Nos.8748 & 8749 of 2021

30.04.2021

PM(CO)

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