



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2021**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.21741 of 2017

T.Gomathi Sankar

... Petitioner

Vs.

- 1.The State of TamilNadu
Rep by the Secretary Public Works Department,
Fort St. George,
Chennai.
- 2.The Chief Engineer,
(General) and Engineer in Chief W.R.O.,
Chepauk,
Chennai-5.
- 3.The Chief Engineer, (WRO)
Public Works Departments,
Chepauk,
Chennai-5.
- 4.The Superintending Engineer,
Water Resource Organization,
Public Works Department Special Project Circle,
Coimbatore Region,
Coimbatore District.
- 5.The Executive Engineer,
Water Resource Organization
Public Welfare Departments,
Special Project Circle,
Pollachi,
Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to consider the claim of the petitioner as annexed to this writ petition for regularization of his service on completion of 10 years of NMR/Casual Labourers services based on the orders passed by this Court in W.A(MD)No.1127 of 2016 dated 10.01.2017 within the stipulated time to be fixed by this Court.



For Petitioner : Mr.P.Karthick
For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

O R D E R

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This writ petition is filed for a direction to the second and third respondents to consider the claim of the petitioner as annexed to this writ petition for regularization of his service on completion of 10 years of NMR/Casual Labourers services, based on the orders passed by this Court in W.A(MD)No.1127 of 2016 dated 10.01.2017 within the stipulated time as fixed by this Court.

2.The case of the petitioner is that he was appointed as daily wage employee under Nominal Muster Roll (NMR) in Special Project Circle, Periyar Development Region, Madurai District of Public Welfare Department, on 02.05.2002. However, even after completion of 15 years of service, his service was not regularized. In the meantime, the fourth respondent sent a recommendation letter, dated 30.05.2017 to the fifth respondent for regularization of service of employees, who had completed 10 years of service as on 01.01.2006. So far, no order has been passed. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may permit the petitioner to make a representation, in the light of the letter, dated 30.05.2017, to the first respondent and to consider the same within the stipulated time as fixed by this Court.

4.The learned Special Government Pleader appearing for the respondents submitted that originally the petitioner was appointed as NMR on daily wage employee on 01.05.2002 and the petitioner worked under the office of the fifth respondent upto the year 2009 and subsequently, he was removed from service. Thereafter, the petitioner was employed by a Contractor from the year 2010 to 2014 and he was working under the Contractor on contract basis and after 2014, the petitioner had left the contract. Hence, the petitioner is not entitled for regularization of his service and he prays for dismissal of the present writ petition.

5.Considering the limited request made by the learned counsel for the petitioner, this Court directs the petitioner to make a representation, in the light of the letter, dated 30.05.2017, to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. If such representation is received, the first respondent is directed to pass appropriate orders on its own merits and in accordance with law, as expeditiously as possible.



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

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// True Copy //

Sd/-

Assistant Registrar

/ /2021

Sub Assistant Registrar

To

- 1.The Secretary Public Works Department,
The State of TamilNadu
Fort St. George, Chennai.
- 2.The Chief Engineer,
(General) and Engineer in Chief W.R.O.,
Chepauk, Chennai-5.
- 3.The Chief Engineer, (WRO)
Public Works Departments,
Chepauk, Chennai-5.
- 4.The Superintending Engineer,
Water Resource Organization,
Public Works Department Special Project Circle,
Coimbatore Region,
Coimbatore District.
- 5.The Executive Engineer,
Water Resource Organization
Public Welfare Departments,
Special Project Circle,
Pollachi, Coimbatore District.

+1 CC to M/s.P.KARTHICK, Advocate (SR-11952[F] dated 17/03/2021)
+1 CC to M/s.SPL GP (SR-12140[F] dated 18/03/2021)

W.P. (MD) No.21741 of 2017
17.03.2021

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MS/24.05.2021/3P.8C