



W.P.(MD).No.5203 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.5203 of 2020

1.S.Esakkimuthu

2.K.Selvarani

3.P.Sureshkumar

4.S.Arumugam

5.S.Marimuthu

6.S.Maharasi

... Petitioners

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Chennai – 600 009.

2.The Engineer-in-Chief
Water Resources Department
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai – 600 005.



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3. The Chief Engineer,
Public Works Department,
Water Resource Organization,
Madurai Region,
Madurai – 625 002.
4. The Superintending Engineer,
Water Resource Organization,
Public Works Department,
Thamiraparani Basin Circle,
Tirunelveli.
5. The Executive Engineer,
Public Works Department,
Water Resource Organization,
Thamiraparani Basin Division,
Tirunelveli.
6. The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
Lower Thamiraparani Basin Sub Division,
Sri Vaikundam,
Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide employment to petitioners on daily wages equivalent to basic pay at the minimum of pay scale applicable to the post of Sweeper/Scavenger with Dearness Allowance thereupon applicable from time to time, in view of G.O.No.137 dated 13.09.2019 and G.O.(Ms).No.233 of 06.12.2019, by considering petitioners' representation dated 02.01.2020 within the period stipulated by this Court.



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For Petitioners : Mr.A.Haja Mohideen
For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

ORDER

The petitioners herein had given representations to the second respondent on 02.01.2020 seeking for employment on daily wages equivalent to basic pay at the minimum pay scale applicable to the post of Sweeper/Scavenger. Since the said representations were not considered, the present Writ Petition has been filed.

2. The learned Special Government Pleader appearing for the respondents submitted that though the petitioners herein had not been working from 2011 onwards, they have belatedly approached this Court. Therefore, they are not entitled for the relief sought for.

3. I am not in agreement with such a submission. Though the petitioners have admitted that they had not worked from 2011 onwards, they had made representations to the respondents ventilating their grievances and the respondents have failed to consider the representations in time. The very



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failure on the part of the respondents in considering such a representation amounts to dereliction of ordinary duties of their office and therefore, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby condone the laches on the part of the petitioners herein.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioners' representations dated 02.01.2020 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

20.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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To

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M.S.RAMESH, J.

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