



WEB COPY

W.P. (MD) No. 10981 of 2019 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 10981 of 2019 and

W.M.P. (MD) Nos. 8384 and 8385 of 2019

M.Elangovan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its
Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 600 009.
2. The Engineer in Chief (General),
Public Works Department,
Chepauk,
Chennai - 600 005.
3. The Chief Engineer,
Public Works Department,
Building Construction and Maintenance,
Chepauk,
Chennai - 600 005.
4. The Superintending Engineer,
Public Works Department,
Building Construction and Maintenance,
Trichy, Trichy District - 620 001.
5. The Executive Engineer,
Public Works Department,
Building Construction and Maintenance,
Thanjavur,
Thanjavur District - 620 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records in connection with the impugned order passed by the fourth respondent in Letter No.EA3/F.372/2013 dated 17.06.2014, quash the same as illegal and consequently directing the respondents to regularise the service of the petitioner with effect from his date of appointment and to grant all monetary benefits in service.

For Petitioner : Mr.S.BHARATHY KANNAN, Advocate
For Respondents : Mr.D.SUDIQ RAJA
Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>



O R D E R

The order impugned dated 17.06.2014 rejecting the claim of the writ petitioner for regularization of service is under challenge in the present Writ Petition.

2. The petitioner was engaged as daily wages employee (NMR) in the year 1994. It is not in dispute that the petitioner was working as daily wages employee and his name was kept in the nominal muster roll. The petitioner submitted an application seeking benefit of regularization of service.

3. The Constitutional Bench of the Hon'ble Supreme Court of India in the case of ***State of Karnataka Vs. V.Umadevi and others reported in 2006 4 SCC 1*** laid down the principles to be followed for grant of regularization. Pursuant to the observations made in Paragraph No. 44 of the Judgment, the Hon'ble Supreme Court granted one time benefit of regularization in respect of the employees who have completed ten years of service and fulfilled the conditions eligible for regularization. Pursuant to the judgment, the High Court has also passed number of judgments and one such judgment was passed in W.P. (MD) No. 9728 of 2013 filed by one Senthil Kumar and 13 others. The respondents have not only considered the High Court Judgement but also referred the Judgement of the Hon'ble Supreme Court of India in Civil Appeal Nos. 2726 to 2729 of 2014 dated 21.02.2014. With reference to the judgments and in accordance with the conditions stipulated in the Government Orders for grant of regularization, the case of the petitioner was considered. The Authorities, in clear terms, formed an opinion that the petitioner has not fulfilled the conditions stipulated for grant of benefit of regularization.

4. Paragraph No.3 of the order impugned reveals that the petitioner had not fulfilled the required conditions for regularization of service. In paragraph No.7 also, the conditions which are to be followed are narrated. This being the factum, the benefit of regularization cannot be granted by this Court in the Writ Petition as the petitioner was found not in eligible for regularization.

5. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (C.S.I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

1. The Secretary to Government,
The State of Tamil Nadu,
Public Works Department,
Fort St.George,
Chennai - 600 009.
2. The Engineer in Chief (General),
Public Works Department,
Chepauk,
Chennai - 600 005.
3. The Chief Engineer,
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Public Works Department,
Building Construction and Maintenance,
Trichy,
Trichy District - 620 001.
5. The Executive Engineer,
Public Works Department,
Building Construction and Maintenance,
Thanjavur,
Thanjavur District - 620 001.

+1 cc to Mr.S.BHARATHY KANNAN, Advocate, SR.No.6072

+1CC to Special Government Pleader SR.No.5938

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and

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Date 11.02.2022

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