



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4834 of 2021

A.Elayaraja

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Project Director,
Planning Department,
Water Resources Department,
Chennai.
- 2.The Chief Engineer,
Public Works Department,
Water Resources Department,
Chepauk, Chennai.
- 3.The Chief Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Coimbatore.
- 4.The Superintending Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Pollachi,
Coimbatore District.



5.The Executive Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Solayar Basin, Valparai,
Coimbatore District.

6.The Assistant Divisional Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Solayar Basin, Valparai,
Coimbatore District.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in the impugned proceedings of the 5th respondent letter No.Aatchi (3)/Ko.NMR (2288)/2020 dated 28.12.2020, quash the same and consequently directing the respondents to regularize petitioner's services with effect from 01.01.2011.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader



WEB COPY

W.P.No.4834 of



ORDER

The present writ petition has been filed challenging the impugned proceedings of the 5th respondent dated 28.12.2020 and consequently, direct the respondents to regularize petitioner's services with effect from 01.01.2011.

2. The petitioner was temporarily engaged as an Irrigation Assistant by the 4th respondent from 1st October, 2000 as daily wage employee up to 2004 and thereafter, on contract basis till 2010 and the engagement was extended from 2010 to 2013 and subsequently, it got extended from 2018 to 2019. The respondents initiated proceedings for regularising the services of Nominal Muster Roll (NMR), who have completed more than 10 years of service.

3. The grievance of the petitioner is that the 2nd respondent issued proceedings in S4(1)/53807/2012 dated November 2019. However, the petitioner's name was not included in the regularisation list. Therefore, the petitioner has given a representation to include his name, but the same was rejected. Hence, the petitioner has filed the present writ petition challenging the order along with a direction to the respondents to regularize petitioner's services with effect from 01.01.2011.



4. However, learned Additional Government Pleader appearing on behalf of the respondents submitted that a Screening Committee has been appointed on 06.12.2019 to identify the eligible persons, who all are eligible for regular time scale. According to the report of the said Committee, the petitioner did not have continuance in service. Therefore, at the time of submitting the regularisation proposal the petitioner was not working in the Department from 01.07.2019 to till date. Since the petitioner did not comply the essential qualification of being in service, his name did not find place in the list of the eligible persons for regular time scale.

5. Despite it is claimed by the respondents that the petitioner services are identified only from 2000 and the petitioner had produced his identity card along with NMR regularisation list pertaining to the order dated 20.05.1985, the impugned order has been passed without taking into consideration of the material facts.

6. According to the petitioner, he has already been identified as person, who is eligible for the benefit. Hence, the petitioner also produced the certificates issued by the Executive Engineer of the Public Works



Department dated 18.10.2000 by acknowledging that the petitioner has completed 10 years of service.

WEB COPY

7. In such case, the benefits of the order shall be extended to the petitioner also. Since the petitioner is at liberty to give a fresh representation, the impugned order passed by the 5th respondent in letter No.Aatchi (3)/Ko.NMR (2288)/2020 dated 28.12.2020 is set aside and the respondents are directed to consider the representation submitted by the petitioner and pass fresh orders in accordance with law.

8. With the above directions, this Writ Petition stands disposed of. No costs.

29.11.2023

Jeni
Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order



To

1. The Principal Secretary to Government,
Project Director, Planning Department,
Water Resources Department,
Chennai.
2. The Chief Engineer,
Public Works Department,
Water Resources Department,
Chepauk, Chennai.
3. The Chief Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Coimbatore.
4. The Superintending Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Pollachi,
Coimbatore District.
5. The Executive Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Solayar Basin, Valparai,
Coimbatore District.
6. The Assistant Divisional Engineer,
Public Works Department,
Water Resources Department,
Irrigation and Cultivation,
Solayar Basin, Valparai,
Coimbatore District.



WEB COPY

W.P.No.4834 of



R.N.MANJULA, J.

Jeni

W.P.No.4834 of 2021

29.11.2023