



W.P.No.29581 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29581 of 2011
and M.P.No.1 of 2011

C.Rani

.. Petitioner

Versus

1. The Engineer-in-Chief and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 9.
2. The Superintending Engineer,
Public Works Department (WRO),
Pennaiyaru Basin Division,
Thiruvannamalai.
3. The Executive Engineer,
Public Works Department (WRO),
Central Pennaiyaru Basin Division,
Thiruvannamalai.
4. The Assistant Executive Engineer (WRO),
Sathanur Dam Sub-Division,
Sathanur Dam,
Thiruvannamalai District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for the records connected in Lr.No.12/2009/Petitions/K4, dated 23.10.2009 of the third



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respondent and quash the same and direct the respondents to appoint the petitioner in any one of the suitable vacancy and regularise the petitioner's service from the date of initial appointment with all consequential benefits.

For Petitioner : No Appearance

For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

This Writ Petition is filed challenging the order of the third respondent, dated 23.10.2009 and consequently, to appoint the petitioner in any one of the suitable vacancies and to regularise the petitioner's service.

2. The contention of the petitioner is that the petitioner was appointed as Sweeper on daily wage basis in the year 1987 by the Assistant Executive Engineer, Sathanur Dam. He was continuously working until the year 2009 and was paid salary through vouchers. Thereafter, he was terminated from service. Therefore, when he has completed more than 20 years of service, he is entitled to be appointed in suitable vacancy and regularised. Claiming which, the present Writ Petition is filed.

3. The third respondent has filed a counter-affidavit, in which, it is averred in paragraph No.2 as follows :-



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" 2. With regard to averments made in Para - 1 of the affidavit it is submitted that the petitioner (C.Rani wife of Chandran) was engaged by the Assistant Executive Engineer, PWD, WRO., Sathanur Dam Sub Division Sathanur Dam directly and not through the Employment Exchange and utilized her service from 11/1987 only. The petitioner stated that she has been continuously working till 2009 .i.e. 20 years of service. This is not correct baseless and against the truth. In fact the petitioner has worked from 11/1987 to 8/2000 with a vast distant months and her total service was counted as 481 days only in the above said period i.e 14 years she was not engaged after 8/2000 to till date. The petitioner has not continuously worked after 8/2000 and also she had paid wages through voucher only for 481 days."

4. Therefore, when the petitioner has worked for the period of 481 days, it is claimed in the Writ Petition as if the petitioner has put in 20 years of service and he was working under the Assistant Executive Engineer, Sathanur Dam until the year 2009 are all factually incorrect. When the above said paragraph was put to the learned Counsel for the petitioner, the learned Counsel for the petitioner initially sought time and took an adjournment to place such materials that may be in his command to controvert the said allegation. Thereafter, no representation is made on behalf of the petitioner. In that view of the matter, the petitioner has worked only for a period of 481 days that too from the year 1987 to 2000. Belatedly, in the year 2011, not being in service for more than 20 years, cannot make the claim for reappointment or regularisation. The petitioner



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has got no such right to claim just because he was employed as daily wager for a period of three years for a total number of 481 days on voucher basis.

5. Therefore, finding no merits, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2023

Index : yes
Speaking order
Neutral Citation : no
grs

To

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Sathanur Dam,
Thiruvannamalai District.

5. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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