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W.P.Nos.27605 to 27608 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.27605 to 27608 of 2012

WP.No.27605 of 2012

R.Raji

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works Department,
Fort St.George, Chennai-9
- 2.The Chief Engineer,
Public Works Department,
Chennai Division, WRO,
Chennai-5
- 3.The Superintending Engineer,
Public Works Department,
Vellar Basin Division, WRO,
Cuddalore
- 4.The Executive Engineer, WRO,
Public Works Department,
Vellar Basin Division,
Vriddhachalam
- 5.The Assistant Executive Engineer,
Vellar Basin Sub-Division (WRO),
Public Works Department,
Cuddalore 607 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



W.P.Nos.27605 to 27608 of 2012

India praying to issue a writ of mandamus directing the respondents to regularise the service of the petitioner in the post of Work Inspector, Grade-II, based on completion of 10 years of service as Mazdoor Gr-II(daily wage labour) and bring him into regular time scale of pay from the date of initial appointment and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Dr.T.Seenivasan,
Special Government Pleader

WP.No.27606 of 2012

V.Suresh

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works Department,
Fort St.George, Chennai-9
- 2.The Chief Engineer,
Public Works Department,
Chennai Division, WRO,
Chennai-5
- 3.The Superintending Engineer,
Public Works Department,
Vellar Basin Division, WRO,
Cuddalore
- 4.The Executive Engineer, WRO,
Public Works Department,
Vellar Basin Division,
Vriddhachalam



W.P.Nos.27605 to 27608 of 2012

5.The Assistant Executive Engineer,
Vellar Basin Sub-Division (WRO),
Public Works Department,
Cuddalore 607 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to regularise the service of the petitioner in the post of Work Inspector, Grade-II, based on completion of 10 years of service as Mazdoor Gr-II(daily wage labour) and bring him into regular time scale of pay from the date of initial appointment and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Dr.T.Seenivasan,
Special Government Pleader

WP.No.27607 of 2012

R.Kanagarasu

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works Department,
Fort St.George, Chennai-9
- 2.The Chief Engineer,
Public Works Department,
Chennai Division, WRO,
Chennai-5
- 3.The Superintending Engineer,



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Public Works Department,
Vellar Basin Division, WRO,
Cuddalore

4.The Executive Engineer, WRO,
Public Works Department,
Vellar Basin Division,
Vriddhachalam

5.The Assistant Executive Engineer,
Vellar Basin Sub-Division (WRO),
Public Works Department,
Cuddalore 607 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to regularise the service of the petitioner in the post of Work Inspector, Grade-II, based on completion of 10 years of service as Mazdoor Gr-II(daily wage labour) and bring him into regular time scale of pay from the date of initial appointment and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Dr.T.Seenivasan,
Special Government Pleader

WP.No.27608 of 2012

R.Balasubramaniyan

... Petitioner

Vs.

1.The Secretary to Government,



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- Public Works Department,
Fort St.George, Chennai-9
- 2.The Chief Engineer,
Public Works Department,
Chennai Division, WRO,
Chennai-5
- 3.The Superintending Engineer,
Public Works Department,
Vellar Basin Division, WRO,
Cuddalore
- 4.The Executive Engineer, WRO,
Public Works Department,
Vellar Basin Division,
Vriddhachalam
- 5.The Assistant Executive Engineer,
Vellar Basin Sub-Division (WRO),
Public Works Department,
Cuddalore 607 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to regularise the service of the petitioner in the post of Work Inspector, Grade-II, based on completion of 10 years of service as Mazdoor Gr-II(daily wage labour) and bring him into regular time scale of pay from the date of initial appointment and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents : Dr.T.Seenivasan,
Special Government Pleader



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COMMON ORDER

These writ petitions have been filed for direction to the respondents to regularise the service of the petitioners in the post of Work Inspector Grade-II based on their completion of 10 years of service as Mazdoor Grade-II.

2. Heard, the learned counsel appearing one either side.

3. The petitioners were appointed as Mazdoor Grade-II with effect from 01.11.1998 as daily wage employees through Employment Exchange in the Irrigation Wing of Public Works Department. Their services have been engaged for more than three months in a year right from 1998 to 2007. Subsequently, they were engaged as Mazdoor Grade-I under contract labour system during the year 2008 to till date by the contractor for departmental works. Based on various Government orders, the particulars from the respondents 3 and 4 of the petitioners who have completed 10 years of service either as daily wage labour or



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contract labour for the purpose of regularising their services were furnished for regularisation to the third respondent. The petitioners were also recommended by the Assistant Executive Engineer on 11.09.2011 and countered signed by the Executive Engineer on 07.10.2011. Subsequently, it was forwarded to the third respondent under whom the petitioners were serving. Thereafter, the third respondent forwarded the proposal to the second respondent for regularising their services and to bring them into regular time scale of pay. However, so far the proposal has not been considered and it is pending with the third respondent. In fact, on perusal of the proposal, the fourth respondent stated that all the petitioners were appointed on the ground of non availability of permanent workers to the said post and on the ground of emergency.

4. In view of the above discussions, the first respondent is directed to consider the case of the petitioners as recommended by the second and third respondents herein by the proposals dated 07.10.2011 and 14.11.2011 for regularisation of their services and to bring down into regular time scale of pay and to appoint them as Work Inspector Grade-II



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within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction, all the writ petitions are disposed of. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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W.P.Nos.27605 to 27608 of 2012

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Secretary to Government,
Public Works Department,
Fort St.George, Chennai-9
- 2.The Chief Engineer,
Public Works Department,
Chennai Division, WRO,
Chennai-5
- 3.The Superintending Engineer,
Public Works Department,
Vellar Basin Division, WRO,
Cuddalore
- 4.The Executive Engineer, WRO,
Public Works Department,
Vellar Basin Division,
Vriddhachalam
- 5.The Assistant Executive Engineer,
Vellar Basin Sub-Division (WRO),
Public Works Department,
Cuddalore 607 001
- 6.The Government Advoate,
High Court, Madras.

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