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W.P.No.29022 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM:

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

W.P.No.29022 of 2012

S.Ragu

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St. George,
Chennai – 600 009.

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

3. The Chief Engineer,
Water resources Organization,
Public Works Department,
Chepauk,
Chennai – 600 005.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the claim of the petitioner vide representation letter No.Ne vu-1/Ko.21/2011 dated 21.03.2012 sent by the Superintendent Engineer,



W.P.No.29022 of 2012

PWD, WRO, Vellar Basic Circle, Cuddalore-1, containing annexures of details of the petitioner with all consequential benefits within a time stipulated by this Court.

For Petitioner : Mr.P.Srinivasan
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The writ petition has been filed for direction to direct the respondents to consider the claim of the petitioner to regularize his service.

2. The petitioner was working as Mazdoor Grade-I in the office of the Assistant Engineer, Irrigation Section No.II, Chidambaram, Cuddalore District. He joined in the above service on 01.07.2001 as casual worker on daily wage basis. His name is also found in the Nominal Muster Roll, since he joined in service on 01.07.2001. Now he is claiming regularization of service on the basis of the government order in G.O.Ms.22, Personnel and Administrative Reforms (F) Department dated 28.02.2006 and submitted detailed representation. Since the same was not considered by the respondents, the petitioner filed the present writ petition with the above said prayer.



W.P.No.29022 of 2012

3. Heard the learned counsel appearing on either side and perused the material placed before this Court.

4. On perusal of the counter filed by the third respondent revealed that the petitioner has not completed ten years of service as on 01.01.2006, as stipulated in the government order. The petitioner was engaged as NMR on 01.07.2001 and thereafter he was engaged as contract labour and during the contract labour period, he received salary through his contractors and not from the department. The government still have not formed any rules to regularize the service of the labour engaged by the contractors.

5. That apart, the petitioner was not engaged through employment exchange and the regularization proposal of the petitioner has not been presented to the government as on date. Further, none of the service of his juniors are not at all regularized as on date. As per G.O.Ms.No.22 dated 28.02.2006, the government has directed that the services of the daily wages employee working in all the government department who have rendered ten years of service as on 01.01.2006 be regularized by appointing them in time scale of pay. However, the petitioner had engaged as as NMR till 2006, and thereafter he was



W.P.No.29022 of 2012

engaged by the contractors.

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6. Further, subsequent to the government order in G.O.Ms.No.22 dated 28.02.2006, the government issued another order in G.O.(Ms.) No.74 dated 27.06.2013, thereby superseded the earlier government order. Accordingly, the services of the full time daily wage employees, who were initially appointed on full time basis in consultation with the employment exchange to discharge the function of the post in the Tamil Nadu Basic Service and completed ten years of service as on 01.01.2006 shall be regularized against regular vacancies in the sanctioned cadre strength. Therefore, the prayer sought for in this writ petitioner cannot be considered and the writ petition is devoid of merits and liable to be dismissed

7. Accordingly, the Writ Petition stands dismissed. There shall be no order as to cost.

05.09.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



W.P.No.29022 of 2012

To

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W.P.No.29022 of 2012

G.K.ILANTHIRAIYAN. J.

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W.P.No.29022 of 2012

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