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W.P.No.32863 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

Coram

The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD

**W.P.No.32863 of 2012
and M.P.No.1 of 2012**

P.Mathanraj

... Petitioner

Versus

1. The Executive Engineer
Public Works Department (WRO)
Thiruvannamalai District.
2. The Assistant Executive Engineer,
Public Works Department (WRO)
Middle Pennaiyar Basin Sub Division
Arni – 632 301
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to re-engage the petitioner in the post of Office Assistant or Peon in the office of the respondents and regularise his service with effect from the date of completion of 10 years of service with all monetary and service benefits in the light of G.O.(MS)No.22, P & AR (F) dept., dated 28.02.2006 and G.O.(MS).No.247, School Education (R1) Dept., dated 03.10.2012.



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For Petitioner : Mr.R.Singaravelan
Senior Counsel for
Ms.M.Srividhya

For Respondents : Mr.V.Nanmaran
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to re-engage the petitioner in the post of Office Assistant or Peon in the office of the respondents and regularise his service with effect from the date of completion of 10 years of service with all monetary and service benefits in the light of G.O.(MS)No.22, P & AR (F) dept., dated 28.02.2006 and G.O.(MS).No.247, School Education (R1) Dept., dated 03.10.2012.

2. The case of the petitioner is that the petitioner viz., P.Mathanraj has passed 9th Standard and failed in 10th standard New SSLC and with this educational qualification he was selected for appointment to the post of Daily Wager Peon on merits through the employment exchange and joined service on 10.06.1998 and was allowed to work up to 31.10.2007 and thereafter he was not engaged as a Peon though work was available. Service Register also opened for his service and it is not known as to why he was disengaged and his service was not continued for defeating his right under



G.O.MS.No.22 dated 28.02.2006 which entitled a temporary or casual employee to get his or her service regularised on completion of 10 years. In fact, this Court has allowed a batch of cases filed by part time Sweepers for regularisation on completion of 10 years of service and on that basis their service also was regularised by way of G.O.Ms.No.111 dated 09.05.2012. By way of G.O.Ms.No.247 dated 03.10.2012 they are paid monetary and other service benefits also with effect from the date of completion of 10 years of service. Since the respondents have not extended his service after 31.10.2007, the petitioner was unable to claim for regularisation in the light of G.O.Ms.No.22 dated 22.08.2006. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned senior counsel appearing for the petitioner has restricted his relief by submitting that the petitioner may be permitted to submit a fresh representation to the first respondent/The Executive Engineer, Public Works Department (WRO), Thiruvannamalai District who in turn may be directed to consider and dispose of the same within a particular time frame to be fixed by this Court.



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To
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Thiruvannamalai District.
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J. SATHYA NARAYANA PRASAD, J.

dpq

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