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W.P.No.26147 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.26147 of 2014

and

W.M.P.No.1 of 2014

A.Easudoss

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary
Public Works Department,
Fort St.George, Chennai - 9.
2. The Engineer in Chief - Cum -
Chief Engineer (General),
PWD, Chepauk, Chennai - 5.
3. The Chief Engineer,
PWD, Water Resources Organization,
Tiruchy Region, Tiruchy.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for records relating to the first respondent's G.O.Ms.No.127 PWD dated 12.06.2012 to quash the same in so far as paragraph 6 is concerned, wherein it confined monetary benefits from the date of issue of the said G.O. instead of the date of regularization, i.e., with effect from 01.07.2000 and to extend all benefits both monetary and service, including revised fixation and pension and pensionary benefits thereto.

For petitioner	:	Mr.L.ChandraKumar
For respondents	:	Mr.R.U.Dinesh Rajkumar Addl.Government Pleader



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ORDER

This writ petition is filed seeking to quash the G.O.(Ms). PWD dated 12.06.2012 in so far as paragraph 6 is concerned which extends monetary benefits from the date of issue of the said G.O. instead of the date of regularization, and to extend all consequential benefits.

2. The facts in brief culled out from the affidavit enclosed are as follows:

2.1 The petitioner was initially appointed on consolidated basis as a casual labourer with effect from 01.09.1978. Subsequently, on sponsoring by the employment exchange he joined the service as a Night Watchman with effect from 24.04.1990. The petitioner's service during his initial appointment between the year 01.09.1978 and 01.01.1984 was not taken into account and he was brought into regularization on completion of 5 years of service as per G.O.(Ms).No.52 dated 14.01.1977. By way of another G.O.(Ms).No. 127 PWD dated, 12.06.2012 he was brought into regular time scale of pay and regularization of service.



2.2. The petitioner has filed an O.A.No.5005 of 2001 on the file of the Tamil Nadu Administrative Tribunal seeking to regularize the services with effect from 01.10.1983 or atleast with effect from 24.04.1990, the date of his initial appointment through employment exchange. The said O.A. was transferred to this Court and order dated 11.06.2009 in W.P.No.5149 of 2007 was disposed of directing to consider the claim of the petitioner.

3. The respondents have filed a detailed counter and submitted that the petitioner was appointed as a Night Watchman as a casual labourer without sponsoring by the employment exchange and subsequently was sponsored by the employment exchange and thereby, he was appointed in the same post with effect from 24.04.1990. The petitioner's service was regularized on 01.07.2000 relaxing relevant rules framed in G.O.(Ms) No.12, Public Works Department dated 20.01.2009 pertaining to age and method recruitment. The Learned counsel for the respondents has submitted that only after relaxation of relevant rules the petitioner's service was regularized and hence further concession could not be accorded to him.



4. Heard both sides and perused material available on record.

5. The petitioner has rendered his service from the year 1978 as a casual labourer and as a Night Watchman from the year 1990. After sponsoring from the employment exchange, his services were regularized but his previous service as a casual labourer or Night Watchman was not considered. After regularization of his service with effect from 01.07.2000 his pay was notionally regulated and annual increments were sanctioned and was also given selection grade with effect from 01.07.2010, and all the benefits including the monetary benefits due to him were also fully sanctioned without any default.

6. Further, the Government has issued G.O.(Ms).No.235, Public Works (C2) Department, dated 30.11.2017 and relevant portion of it reads as follows:

"5. In G.O.(Ms.) No.124, Public Works Department, dated 15.05.2019, orders have been issued regularizing the services of 333 Nominal Muster Roll Technical Assistants with effect from the date of their completion of 10 years, with monetary benefit from the date of issue of orders."



basing on the said Government Order the relief sought by the petitioner has been fulfilled.

7. In the judgment in W.A. Nos.168 and 169 of 2012, dated 08.08.2014, reads as follows:

"17. In fine, the writ appeals are allowed and the respondents are directed to notionally fix the pay of the appellants/Petitioners retrospectively with effect from the date of completion of 10 years of service as NMRs, with monetary benefits from the date of the Government Order, dated 19.10.2007, as it has been extended to others in G.O.Ms.No.124, Public Works Department, dated 15.05.2008. Such exercise shall be commenced and completed by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs."

8. Considering the submissions made by both the sides and on perusal of records, including G.O.(Ms).No.235, Public Works (C2) Department, dated 30.11.2017 and considering the judgments of W.A.Nos.168 and 169 of 2012 dated 08.08.2011, this writ petition is disposed of directing the respondents to regularize the petitioner's service, if not already done, with effect from 01.07.2000 notionally and to pay all



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W.P.No.26147 of 2014

DR. D.NAGARJUN,J.

vca

the monetary benefits and service benefits due to him. Connected W.M.P's are closed. Costs made easy.

21.11.2023

vca

Internet : Yes/No
Index : Yes/No
Citation : Yes/No

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