



W.P.No.25628 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13..09..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.25628 of 2023
and
W.M.P.No.25029 of 2023

1. P.Kumar
2. B.Gopal
3. K.Amutha
4. M.Vijayakumar
5. T.Mahali
6. R.Murugan
7. N.Poovathal
8. S.Aarayi
9. P.Selvi
- 10.K.Rathna
- 11.R.Kannappan
- 12.P.Sathish
- 13.M.Suresh
- 14.M.Suruliraj
- 15.L.Suresh
- 16.A.Chinnapalanisamy
- 17.R.Sakthivel
- 18.V.Guruprakash



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- 19.R.Velumani
- 20.R.Vinothkumar
- 21.C.Bhuvaneshwaran
- 22.S.Saravanan
- 23.K.Kumaresan
- 24.R.Duraiappan
- 25.A.Rosy
- 26.P.Sagunthala
- 27.P.Subramanian
- 28.M.Palanisamy
- 29.T.Bannari
- 30.M.Pavithra
- 31.S.Pappathi
- 32.C.Kumar
- 33.M.Ragunathan
- 34.A.Rohini
- 35.M.Jeeva
- 36.K.Mani

..... Petitioners

-Versus-

- 1.The Chief Engineer,
Water Resource Department,
Chepauk, Chennai-5.
- 2.The Commissioner of Labour,
Labour Department,
Commissioner of Labour,
Teynampet, Chennai 600 006.



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3.The Executive Engineer,
Water Resources Department,
Bhavani Sagar Dam Division,
Bhavani Sagar-638 451.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant paid leave to the petitioners on Saturday, Sunday of every week and on National Holidays and Festivals by following the Government Order in G.O.No.788, Department of Public Works, dated 24.04.1991 and grant all the consequential benefits by considering the representation of the petitioner dated 10.02.2023.

For Petitioner : *Mr.N.S.Elamugilan*

For Respondent (s) : *Mr.M.Alagu Goutham,*
Government Advocate
for RR1 to 3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to consider the representation of the petitioner dated 10.02.2023 requesting for the grant of paid leave to the petitioners on Saturday, Sunday of every week and on National Holidays and Festival Holidays by following the Government Order in G.O.No.788, Department of Public Works, dated 24.04.1991 and grant all the consequential benefits



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2. It is the case of the petitioners that they are working as Nominal Muster (NMRs) Employees for more than 10 years in various cadres at Bhavani Sagar Dam. They have been denied paid leave by the respondents and as such they are forced to work on every Saturday and Sundays and on other National and Festival Holidays. If they go on leave on any Saturday or Sunday or National or Festival Holidays, they would not be paid salary for the day/days. They fall under the category of employees specified under G.O.(Ms.) No.788, Public Works Department, dated 24.04.1991 which clearly specified that daily wagers, NMRs who work in Dam areas shall work for 5 days in a week for 45 hours and they are entitled for paid leave for two days (on Saturday and Sunday). The grievance of the petitioners is that the representation sent by them in this regard did not evoke any response. Hence, this writ petition.

3. Heard both sides.

4. The learned Special Government Pleader submitted that the 3rd respondent is the employer of the petitioners.

5. On a perusal of the representation found in page 53 of the typed set of papers, it is seen that it was addressed to the Principal Secretary to Government, Department of Water Resources and not to the 3rd respondent, who is the employer and competent to take a decision in the matter.



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6. In the light of the above position, the petitioners are directed to submit a fresh representation to the 3rd respondent requesting for the grant of paid leave within a period of 10 days from the date of receipt of a copy of this order and on receipt of such representation from the petitioners, the 3rd respondent shall consider the same on its own merits and pass appropriate orders in accordance with law within a period of two months thereafter.

This writ petition is disposed of accordingly with the above directions.

No costs. Consequently, connected WMP is closed.

13..09..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

- 1.The Chief Engineer,
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- 2.The Commissioner of Labour,
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- 3.The Executive Engineer,
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N.SATHISH KUMAR.J.,

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