



WEB COPY



W.P.No.30268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30268 of 2022
and WMP Nos.29702 and 29703 of 2022

- 1.T.David
- 2.S.Jeyachandran
- 3.J.Jacob Raj
- 4.K.Asha
- 5.X.Pushpa Rani
- 6.H.Fazeela Begum

...Petitioners

Vs

1. The State of Tamil Nadu
Rep by its Secretary,
Public Works Department,
Fort Saint George,
Chennai-600 009.
2. The Chief Engineer and Engineer in Chief (General),
Public Works Department,
Chepauk, Chennai-600 005.
3. The Chief Engineer (Buildings),
Public Works Department,
Chepauk, Chennai-600 005.



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4. The Executive Engineer,
Water Resource Organisation,
Kodayar Basin Division,
Nagercovil – 629 001.

5. The Assistant Engineer,
Planning and Designing Sub Division,
Nagarkovil.

6. The Assistant Executive Engineer,
Water Resource Organisation,
Kodayar Basin Division,
Nagarkovil – 629 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders letter No.22321/C2/2018-2 dated 21.01.2019 passed by the 1st respondent and quash the same as illegal improper, arbitrary, unreasonable and thereby direct the 1st respondent to regularise the petitioners service as Mazdoor Grade-I and pay back all service and monetary benefits.

For Petitioners : Mr.S.Ashok Kumar

For Respondents : MrAlagu Goutham
Government Advocate

ORDER

All these petitioners had joined the service of Public Works Department of the Government of Tamil Nadu between the years 1992 and 1995 as Casual



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Labourers/NMRs and since they have completed ten years of service and are still continuing as Casual Labourers/NMRs, they sought for regularisation of their services. Their request came to be rejected through impugned order dated 21.01.2019 by stating that the services of similarly placed Casual Labourers/NMRs have been regularised only through the orders of the Hon'ble Division Bench in W.A.Nos.493 of 2016 and 631 of 2016, whereas, the petitioners' claim for regularisation came after issuance of G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013.

2. Learned counsel for the petitioners placed reliance of various Government Orders, through which, the services of similarly placed Casual Labourers/NMRs have been regularised and therefore, sought for regularisation of the services of these petitioners also.

3. The learned Government Advocate placed reliance on the averments in the counter affidavit and submits that the services of the petitioners were not continuous, but, it was only for the duration of Project/Work needs in which they had engaged and therefore, the benefits given to the others cannot be extended to these petitioners..



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WEB COPY 4. Heard both sides and perused the materials available on record.

5. It is not in dispute that the services of the other Casual Labourers/NMRs whose services were similar to that of these petitioners, have been regularised, through the following Government Orders.

<i>S.No</i>	<i>G.O.No.and Date</i>	<i>No.of persons regularised</i>	<i>Order of the Court</i>
i)	G.O.(2D)No.29 Public Works (C2) Department dated 09.02.2016	5	W.P.No.37024 of 2006 dt.20.06.2012
ii)	G.O.(2D)No.13 Public Works (C2) Department dated 23.02.2018	2	W.P.No.14941 of 2017 dt.15.06.2017
iii)	G.O.(2D)No.14 Public Works (C2) Department dated 23.02.2018	6	W.P.No.9361 of 2017 dt.19.04.2017
iv)	G.O.(2D)No.40 Public Works (C2) Department dated 25.09.2018	35	W.P.No.16107 of 2012 dt.04.07.2012

6. From the above said table, it is seen that pursuant to the orders passed by this Court, the Public Works Department have chosen it fit to implement the orders of this Court and have regularised the Casual Labourers/NMRs, who have completed ten years of service. Incidentally, the issue in the present writ petition was taken by this Court in W.P.No.24632 of 2018 and on 27.11.2018



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had passed orders for regularising the services of these petitioners therein, who had completed ten years of service as Casual Labourer/NMRs. The issue was challenged by the Department in W.A (MD) No.686 of 2017 and which came to be dismissed on 12.07.2017 and the further appeal before the Hon'ble Supreme Court in SLP (Civil) Diary No.29276 of 2018 was also dismissed. Thus, the claim of the petitioners has already been settled through judicial orders, till the Supreme Court. Thus, the respondents, having regularised the similarly placed persons as that of the petitioners, who had also completed ten years of service and their entitlement for such a claim has already been confirmed by orders till the Supreme Court, they would also be entitled for such regularisation.

7. Accordingly, the impugned order dated 21.01.2019 on the file of the first respondent is hereby quashed. Consequently, there shall be a direction to the first respondent to forthwith pass orders, regularising the services of the petitioners as Mazdoor Grade-I, from the respective date of completion of ten years of their services, together with arrears of pay, continuity of service and other monetary benefits. Such orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order.



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WEB COPY 8. With the above direction, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes
Speaking order
sr



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To

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M.S.RAMESH,J.,

SR

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