



W.P.(MD)No.3636 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3636 of 2023

and

W.M.P.(MD)No.3406 of 2023

1. K.Murugan
2. O.Chakaravarthy
3. U.Muthuvel
4. P.Eswaran
5. M.Chinnamani
6. B.Kaleeswaran
7. P.Senthilkumar
8. K.Ramakrishnan
9. V.Pugazhenth

... Petitioners

Vs.

1. The Executive Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Rural Water Supply Division,
7A, Gandhiji Main Road,
N.R.T.Nagar,
Theni - 625 531.



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2. The Assistant Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Sub Division,
7-A, Gandhiji Main Road,
N.R.T.Nager,
Theni - 625 531.

3. The Assistant Engineer,
Tamil Nadu Water Supply and Drainage Board,
Rural Water Supply Sub Division,
7-A, Gandhiji Main Road,
N.T.R.Nagar,
Theni - 625 531.

4. The Assistant Commissioner of Labour,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to implement the order dated 28.11.2022 passed by the fourth respondent vide Proceeding Nos.2100 to 2111 of 2018 fixing their pay in the relevant scales of pay duly permitting to draw arrears of pay and allowances retrospectively.

For Petitioners : Mr.S.Sivakumar
for M/s.Law Square

For Respondents : Mr.B.Vijayakarthiskeyan for R1-R3
Mr.C.Satheesh
Government Advocate for R4



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ORDER

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This Writ Petition has been filed for a direction to the first respondent to implement the order dated 28.11.2022 passed by the fourth respondent vide Proceeding Nos.2100 to 2111 of 2018 fixing the petitioners' pay in the relevant scales of pay duly permitting to draw arrears of pay and allowances retrospectively.

2. The case of the petitioners is that the petitioners were joined in the respondent Board for the operation and maintenance of Combined Water Supply Schemes to Kumanan Thozhuvu, Mayiladumparai, Vallalnadhi, Govindanagaram, Lower Camp, Kombai, Pannaipuram, Devaram, Pudupatti and other Habitations in Theni District from 1992 to 2018. Though the petitioners had completed 480 days of continuous services, their services were not regularised by the respondents. Hence, they requested the respondents to regularise their services and the same was not considered by the respondents. Therefore, the petitioners have filed individual applications dated 11.12.2018 before the Assistant Commissioner of Labour (Enforcing



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Authority), Theni to confer permanent status to them on completion of 480 days. The Assistant Commissioner of Labour after having conducted a detailed enquiry passed a common speaking order dated 28.11.2022 directing the respondents to pass orders conferring the permanent status to the petitioners herein, from the date of completion of 480 days continuous services. Subsequent to that, they submitted a common representation dated 14.12.2022 to the respondents to implement the above said statutory order dated 28.11.2022 of the Assistant Commissioner of Labour, Theni. But, the respondents have not taken any steps to implement the orders till date. Hence, the petitioners have filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioners would submit that it would suffice, if the first respondent is directed to implement the order of the fourth respondent dated 28.11.2022, on merits and in accordance with law, within a specified period.



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4. The learned counsel appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioners, this Court, without going into the merits of the matter, directs the first respondent to implement the order of the fourth respondent dated 28.11.2022 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, if there is no legal impediment.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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