



W.P.(MD).No.8844 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 20.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.8844 of 2019

P.Pandaram

... Petitioner

Vs.

- 1.The Superintending Engineer,
TANGEDCO,
Tirunelveli.
- 2.The Executive Engineer,
TANGEDCO,
Tirunelveli.
- 3.The Assistant Engineer,
TANGEDCO,
Kalakkadu, Tirunelveli District.
- 4.The Executive Officer,
Kallakadu Town Panchayat,
Kallakadu, Tirunelveli District.
- 5.Mr.Ravi,
Plumber cum Supervisor,
Kallakadu Town Panchayat,
Kallakadu, Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 herein to regularize the petitioner's service based on the representation dated 06.04.2019 and fix the pay within a stipulated time.

For Petitioner : No appearance
For Respondents : Ms.P.Malini for
: Mr.T.S.Gopal & Co., for R1 to R3

ORDER

This writ petition is filed seeking for a Mandamus directing the respondents 1 to 4 to regularize the petitioner's service based on the representation dated 06.04.2019 and to fix the pay.

2. The contention of the petitioner is that he joined the service in the year 1992 under the control of the respondents 1 to 4, as a helper. Thereafter, the petitioner was assigned the work of wireman and he was doing light fittings, wiring works. He was under the contract labour continuously till the year 2006. While he was working, an iron rod injured the petitioner's eye, for the same, he had spent a sum of Rs.3,00,000/- (Rupees Three Lakhs). Thereafter, while he was working, he fell down



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from the post and his right leg was broken and little finger was removed from his hand, for that purpose also he had spent a sum of Rs.13,00,000/-.

The petitioner is married and is having three children. Till date, the petitioner's job was not regularized by the respondents 1 to 4. Now, the petitioner is working under the control of the 4th respondent and is receiving the monthly salary of Rs.8,000/- and a sum of Rs.3,000/- was deducted by the 5th respondent supervisor and giving only a sum of Rs.5,000/- as a salary to the petitioner. The petitioner is working from morning 06.00 a.m., to night 10.00 p.m., for the past 25 years without any leave or remarks till date. Therefore, the petitioner had submitted a representation to regularize his service. But, the respondents 1 to 4 have not accepted the same. Hence, the petitioner had preferred the present writ petition.

3. Further, the petitioner had filed W.P.(MD).No.23537 of 2017 and the same was dismissed for default. Thereafter, the petitioner had submitted a fresh representation dated 06.04.2019. Based on the representation, the petitioner is seeking regularization. The contention of the petitioner is that he is working under the 5th respondent for the respondents 1 to 3. Therefore, it is an admitted fact that the petitioner is an



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employee under the 5th respondent.

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4. The next contention raised by the petitioner is that he had worked from December 1996 to 17.12.2005 in the Kallakadu Division of the respondents 1 to 3 and to that effect he has enclosed a certificate issued by the Contractor. On perusing the said certificate, it is seen that he is working as a contract employer from December 1996. If so, the petitioner would have participated in the identification conducted by the Committee. But the petitioner has not stated that he was identified or participated in the process of selection before Committee.

5. The next contention is that he has worked till 17.12.2005. If so, the petitioner would have received any payment from the respondents 1 to 3. But the petitioner had not submitted any evidence to prove he had received any payment from the respondents 1 to 3.

6. Therefore, for the reasons stated supra the petitioner is not entitled to be considered for regularization and the petitioner is not coming within the purview for regularization.



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7. For the reasons started supra, this writ petition stands dismissed.

There shall be no order as to costs.

20.04.2023

NCC : Yes / No

Index :Yes / No

Internet :Yes / No

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S.SRIMATHY, J

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