



W.P(MD)No.1725 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.1725 of 2017

R.Shanmugam

... Petitioner

Vs.

1.Government of Tamilnadu

Represented by Secretary to Government,
Highways and Minor Posts Department,
Secretariat,
Chennai - 600 009.

2.The Principal Director

Highways Department,
Chennai - 600005.

3.The Superintending Engineer

Highways Department,
Construction and Maintenance Wing,
Tiruchirappalli - 620020.



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4.The Divisional Engineer

Highways Department,
Construction and Maintenance Wing,
Pudukottai - 622 002.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to regularly absorb the Petitioner in regular establishment in Pudukkotai Division of Highways Department, upon the petitioner reinstatement and to regularize the petitioner services by taking into account the entire services rendered by the petitioner on daily wage basis and to grant all consequential benefits.

For Petitioner : Mr.Aayiram K.Selvakumar

for Mr.M.Ravi

For Respondents : Mr.Sivanu Pandian,

Government Advocate



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ORDER

This Writ Petition is filed seeking a Writ of Mandamus to direct the respondents to regularly absorb the petitioner in regular establishment in Pudukottai Division of Highways Department, upon the petitioner reinstatement and to regularize the petitioner's service by taking into account the entire service rendered by him on daily wage basis and to grant all consequential benefits.

2. The learned counsel for the petitioner submits that the petitioner had rendered more than 10 years of service, as on 01.01.2006 and accordingly, he become eligible for regularization of his service as per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006.

3. The learned counsel further submits that the petitioner submitted a representation dated 05.06.2014 to the Hon'ble Chief Minister's Cell and it was forwarded to the Divisional Engineer (H), Pudukkottai and by letter, dated 27.06.2014, he has informed that the



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claim of the petitioner has been accepted and necessary proposals have been submitted to the Principal Director, Highways, on 25.04.2013 and the same is under consideration of the Department. As there is no response to the claim of the petitioner, the petitioner again submitted another representation on 19.10.2015 to the Hon'ble Chief Minister's Special Cell, Chennai. The Divisional Engineer (H), Pudukkottai, sent the same reply as that of letter dated 27.06.2014. The petitioner has submitted another representation, dated 09.05.2016 to respondents 1 and 2 to consider the claim of the petitioner. The grievance of the petitioner is that the claim of the petitioner is not attended or examined by the respondents, till now.

4. No counter affidavit has been filed on behalf of the respondents, till today.

5. As the Writ Petition is pertaining to the year 2017, in the considered opinion of this Court, it is desirable to dispose of the same in the interest of justice, basing on the materials available on record.



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6. During the course of hearing, the learned counsel for the petitioner submits that if the representation, dated 09.05.2016 submitted by the petitioner to the respondents is considered in accordance with the relevant Government Orders applicable to the petitioner's claim to meet the interest of justice, this Writ Petition can be disposed of in such terms.

7. The learned Government Advocate appearing for the respondents also accepted to dispose of this Writ Petition, to consider the representation of the petitioner within the time frame.

8. Under these circumstances, without going into the merits of this case, this Writ Petition can be disposed of with certain directions to the respondents to meet the interest of justice.

9. Accordingly, this Writ Petition is disposed of with a direction to the respondents to consider and pass appropriate orders on the representation, dated 09.05.2016 submitted by the petitioner, in terms of the applicable Government Orders within a period of eight weeks from today.



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10. No costs.

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Index : Yes/No
Internet : Yes/No
NCC : Yes / No

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BATTU DEVANAND, J.

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