



WEB COPY



WP.No.11635 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.01.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.11635 of 2021

P.Rajendran

...

Petitioner

/vs/

- 1.The Commissioner of Labour,
Labour Department,
DMS Campus, Anna Salai,
Teynampet, Chennai – 600006.
2. The Deputy Commissioner of Labour,
Labour Department, DMS Campus,
Anna Salai, Teynampet,
Chennai - 600 006.
3. The Labour Officer,
o/o Labour Officer,
Krishnagiri,
Krishnagiri District

...

Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to dispose of the representation made by the petitioner dated 22.03.2021 to regularise the service of the petitioner from the initial date of appointment dated 10.06.1992



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with all consequential service and monetary benefits with a stipulated time.

For Petitioner : Mr.K.Suthan

For Respondents : Mr.M.Rajendran,
Additional Government Pleader

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ORDER

This Writ Petition has been filed for seeking a Writ of Mandamus to direct the 1st respondent to dispose the representation made by the petitioner dated 22.03.2021 to regularise the services of the petitioner from the initial date of appointment dated 10.06.1992 with all consequential service and monetary benefits.

2. Heard, Mr.K.Suthan, learned counsel for the petitioner and Mr. M.Rajendran, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner has been appointed to the post of Night Watchman on a temporary basis through employment exchange on 03.06.1992. The petitioner sent a representation to the 1st respondent to regularise his services as he was appointed in the said post of Night Watchman as a temporary employee through employment exchange and he has completed 13 years of service. The 1st respondent rejected the claim of regularisation vide his proceedings in



Na.Ka.No.MuMu (G2) 74578/94. However, a Government Order was issued by the Government of Tamil Nadu in G.O.Ms.No.22 for regularising the employees who are working as daily wagers on completion of 10 years of service as on 01.01.2006. The 1st respondent, vide his proceedings in Na.Ka.No.G2/16202/06-15 regularised the petitioner and brought him under the Time Scale of Pay with effect from 05.06.2008, which is the date of the issuance of the order.

4. Mr.K.Suthan, learned counsel for the petitioner submitted that in all other departments, the persons who were similarly placed as the petitioner and who have completed their 10 years of service as on 01.01.2006 have been regularised. However, they filed a Writ Petition in WP.No.7884 of 2013 seeking the prayer of regularising their services from the initial date of their appointment and got direction from the High Court. Other Writ Petition has also been filed by similarly placed persons in W.P.No.22587 of 2015 and in the said petition, directions have also been given to regularise their services from the initial date of their appointment. In fact, they are juniors to the petitioner and some set of people have filed Writ Petition in WP.No.5411/2021 and got the benefit of regularisation from the date of appointment. Despite the fact that the petitioner has given representation, so far it has not been considered.



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5. Various orders in WP.No.7884 of 2013, 22587 of 2015 and 5411 of 2021 would show that those cases were filed by similarly placed persons and in which direction has been given to pass orders to regularise their services from the date of their appointment. Even though the petitioner has given his representation on the background of the above judicial pronouncements, so far no order has been passed.

6. In view of the above stated reasons, this Writ petition is **disposed** and the respondents are directed to consider the representation of the petitioner on the same footing in which similarly placed persons like the petitioners have got their regularisation with effect from the date of their appointment and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

30.01.2024

Index : Yes
Internet : Yes/No
Speaking/ Non-Speaking
Neutral: Yes/No
jrs



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R.N.MANJULA, J.

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