



WEB COPY



W.P.No.16352 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2024

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Writ Petition No.16352 of 2020

G.Jagadeesan

...

Petitioner

-Vs-

1.The Water Resources Organisation,
Public Works Department,
Government of Tamil Nadu,
Rep. by Engineer in Chief
(Water Resources Organisation)
and Chief Engineer (General),
Chepauk, Chennai - 600 005.

2.The Superintending Engineer (PWD/WRO),
Lower Cauvery Basin Circle,
Thanjavur.

3.The Assistant Executive Engineer,
Public Works Department
(Lower Cauvery Basin Circle),
Water Resources Department,
Cauvery Division, Sirkali.

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Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 28.07.2020 bearing No.428/Ko.101/2020 passed by the third respondent herein and quash the same and consequently direct the respondents to regularize the petitioner



W.P.No.16352 of 2020

herein with consolidated pay with effect from the date of regular employment of the petitioner's junior working under the third respondent.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

Heard Mr.P.Anbarasan, the learned counsel for the petitioner and Mr.T.Chezhiyan, the learned Additional Government Pleader for the respondents.

2. The petitioner has filed this writ petition challenging the impugned order dated 28.07.2020 bearing No.428/Ko.101/2020 passed by the third respondent and to direct the respondents to regularize the petitioner herein with consolidated pay with effect from the date of regular employment of the petitioner's junior working under the third respondent.

3. The petitioner was working as Irrigation Assistant in Nominal Muster Roll of the Kollidam Irrigation Division – III of the Water Resources Organization, Public Works Department from the year 2008. During the year 2013, the petitioner was taking medical treatment in



W.P.No.16352 of 2020

various hospital. On 09.02.2020, the petitioner had sent a representation to Chief Engineer, PWD-WRO, Trichy, to include his services with those persons who have completed 10 years of service. The third respondent vide his letter dated 28.07.2020 bearing 428/Ko.101/2020 has rejected the petitioner's request stating that he cannot be regularized with consolidated pay as he had not been in the employment of any Government Department for the past 18 years. Similarly placed person who had worked with the petitioner and completed 5 years of service, have been regularized but the petitioner's services have not been regularized. Hence the petitioner has filed this writ petition.

4. Mr.T.Chezhiyan, the learned Additional Government Pleader, submitted that the petitioner who had discontinued from service from the year 2013 has filed this writ petition after a lapse of 11 years; the petitioner was engaged as a daily wager between the year 2008-2012 and thereafter he remained absent; the regularisation cannot be claimed as a matter of right unless there is a claim or policy is in force; the Government Order in G.O.Ms.No.233 Public Works (C2) Department dated 06.12.2019 does not come to the aid of the petitioner.



W.P.No.16352 of 2020

5. Even though the petitioner has got no legal right, the respondents shall consider the request of the petitioner in the event of any possibilities and pass orders accordingly, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed. No costs.

14.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
bkn



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R.N.MANJULA, J.
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