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W.P.No.17769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 17769 of 2024

and

W.M.P.No.19517 of 2024

1.A.Ali
2.P.Jayapal
3.C.Selvakumar
4.S.Vanaja
5.C.Ravi

.... Petitioners

Vs

1. The Chief Engineer,
Public Works Department,
Chepauk, Chennai – 600 005.

2. The Superintending Engineer, PWD
Parambikulam Aliyur Project,
Pollachi – 3

3. The Executive Engineer,
(Water Resources Department)
Public Works Department,
Solaiyur Basin Division,
Valparai, Coimbatore District.

4. The Assistant Executive Engineer,
Keelneeraru Anai, Sub Division,
Valparai, Coimbatore District.

.... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the entire records pursuant to the proceedings dated 10.05.2024 vide செயல்முறை ஆணை எண் ஆட்சி.2/கோ.NMR/2024 நாள் : 10.05.2024 of the third respondent, quash the same and consequently direct the third respondent to regularise the services of the petitioners as NMR from the date of their initial appointment, without any break in service, confer all the monetary benefits and all other consequential benefits.

For Petitioners : Mr.S.Saravanan
For Respondents : Mr.E.Vijaya Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 10.05.2024, thereby rejected the request made by the petitioners seeking regularization of their service as Nominal Master Roll (NMR) from the date of their initial appointment.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners were the employees as NMR in Keelneraru Anai and Solaiyaru Anai in Valparai Division, even from the



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year 1992 to 2002 in the Public Works Department. After completion of ten years of service, they submitted representations to regularise their services. However, the said request was not considered and as such, they approached the Central Administrative Tribunal, Chennai, in O.A.No.1543 of 1991. The Tribunal, by an order dated 17.05.1996, observed that the services of those applicants, who have been working for three years and more as NMRs with short breaks, shall be regularized in their posts. However, the services of the petitioners were not regularized, though some of the NMRs were regularized. Therefore, once again, the petitioners submitted representations by quoting the order passed by the Tribunal and the same was not considered and the claim made by the petitioner was rejected by a proceedings dated 16.12.1998. Hence, the petitioners approached the Central Administrative Tribunal in O.A.No.4757 of 1999. Thereafter, it was transferred to this Court and re-numbered as W.P.No.44261 of 2006. This Court, by an order dated 14.07.2009, directed the petitioner to submit representation and it was directed to be considered within a period of two months. Thereafter, the petitioner submitted representation on 03.09.2021 and the same was now rejected on the ground that the



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petitioners did not even work for three years continuously. Challenging that order, the present writ petition is filed.

4. A perusal of the materials placed before this Court reveals that though this Court, by an order dated 14.07.2009, directed the petitioners to submit representation, the petitioners submitted representation only on 03.09.2021, that too after a period of twelve years. Now, after a period of twenty two years from the date of their last service, the request made by the petitioners cannot be considered and this Court finds no infirmity or illegality in the order passed by the third respondent dated 10.05.2024. Hence, this writ petition lacks merits and it is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

05.07.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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