



WEB COPY

W.P.No.21468 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.21468 of 2022

R.Venkatesan

... Petitioner

Vs.

1.The Secretary to Government,
Highways HM-2) Department,
Fort St. George, Chennai 9.

2.The Chief Engineer,
Highways Research Centre,
H.R.S Campus, Guindy,
Chennai 25.

3.The Divisional Engineer,
Highways C & M, Near VIT,
Vellakkalmedu 632 014,
Thiruvalem Road, Katpadi,
Vellore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 05.07.2022 within a stipulated time as as fixed by this Court.



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For Petitioner : Ms.N.Karpagalakshmi for
Mr.C.Prakasam

For Respondents : Mr.M.Muthusamy, GA

ORDER

This Writ Petition has been filed for directing the first respondent herein to consider the representation of the petitioner dated 05.07.2022 within the stipulated time as fixed by this Court.

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

3. The petitioner was initially appointed as Non Muster Roll (hereinafter called NMR) in the Sugarcane Road Development Scheme in Vellore Highways Division on 04.03.1982. The petitioner after completing five years of service as N.M.R made a representation to the Highways Department to regularise his services. The request was to consider his case in accordance with the Government Order in G.O.Ms.No.95, Transport department, dated 04.02.1988. The third respondent later passed an order on 17.05.2005 appointing him as a cleaner. Accordingly, the petitioner has been



working as a cleaner in the department of Highways. Thereafter, the petitioner wanted the Highways Department to regularize his services in the post of 'Road Inspector' in accordance with the Government Order in G.O.Ms.No.95 dated 04.02.1988. The petitioner filed a writ petition before this Court in W.P.No.6458 of 2008 and this Court directed the respondents to consider the representation of the petitioner. Thereafter, the issue was considered by the respondents and ultimately, his request for regularization in the post of Road Inspector was rejected. Aggrieved against the same, the petitioner filed another Writ Petition in W.P.No.27785 of 2011 and this Court by an order dated 10.10.2012 directed the first respondent to give retrospective regularization to the petitioner with effect from 04.03.1982, the date on which he was appointed as N.M.R. The petitioner was allowed to retire from service on 31.12.2014. After that, the respondents calculated the terminal benefits and pension without taking note of initial date of appointment of the petitioner and without taking into consideration of the fact that similarly placed 20 employees are receiving pension by giving retrospective effect from their respective date of appointment. In this connection, the petitioner made written representation to the respondents on 05.07.2022, but till date no order has been passed. Hence, he filed the present petition.



4. The learned Government Advocate appearing for the respondents submitted that if short time is granted, the representation submitted by the petitioner will be considered and orders will be passed.

5. In view of the above submissions and considering the fact that the representation of the petitioner is of the year 2022, the petitioner is directed to submit a fresh representation before the Competent Authority within a period of one month from the date of receipt of a copy of this order. The respondents shall consider the same and pass appropriate orders in accordance with law within a period of two months thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs.

19.08.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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