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W.P.No.23881 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.23881 of 2021

- 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
Public Works Department,
Valparai Taluk
Coimbatore District.
- 4 The Assistant Executive Engineer,
Keelneeraru Anai Sub- Division,
Valparai, Coimbatore District.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to regularize 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 based on the petitioners representation dated 03.09.2021 within a stipulated time as may be fixed by this Court.

For Petitioners : Mr.S.Saravanan

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader

ORDER

The petitioners have filed this Writ Petition seeking a direction to the respondents to regularize the services of the petitioners as NMR from the date of their initial appointment, without any break, confer all the monetary benefits and all other consequential benefits based on the petitioners representation dated 03.09.2021.

2. Mr.S.Saravanan, learned counsel for the petitioners submitted that they were appointed under Nominal Muster roll in (NMR) in Keelneraru Anai and Solaiyaru Anai in Valparai Division ever since 1992 to 2002 in



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Public Works Department. Though the petitioners have rendered more than 10 years of service and works till the project was completed, their services were not regularized. Similarly placed persons have already filed a petition in W.P.No.44261 of 2006 for claiming same relief.

3. The said Writ Petition was disposed on 14.07.2009, with the following observation:

"8. Though the petitioners have contended that they have been engaged for more than 3 to 10 years as NMR employees in Public Works Department, materials furnished by the Executive Engineer, Public Works Department, Valparai, Coimbatore District, the third respondent, shows that none of them were working for more than 200 days. The details furnished by the third respondent shows that engagement as non-muster roll employee was only for limited periods that is as and when they were required. Though counter affidavit has been filed as early as 1999, the petitioners have not chosen to file any reply statement to prove that they have been working continuously without any break. From the materials, it is evident that the engagement of the petitioners was not continuous. It is the further case of the



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respondents that they were not engaged in sanctioned posts. Inasmuch as the petitioners were not engaged as against sanctioned posts and considering the period of service, rendered by them as per the annexure to the counter affidavit, this court is of the view that the petitioners do not have any legal or statutory right to seek for regularisation of their appointments. However, if some of the petitioners are engaged continuously for more than 10 years and if they are satisfied with the conditions imposed in any recent government order for regularisation of their continuous services, it is open to the petitioners to make representation to the competent authority with supporting documents to prove their length of service in Public Works Department for regularisation and if any such representation is made, the competent authority shall consider the same in accordance with the government orders and pass orders on merits within a period of two months from the date of the receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs."

4. However, as per the submission of the learned counsel for the petitioners, they were not aware of the above order passed in the Writ



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Petition as it was not communicated to them through their then counsel. So the petitioners did not make any representation in accordance with the above order.

5. Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the Respondents submitted that several requests were made by the employees who have worked as NMR and a selection committee has been formed in order to scrutinise the persons who are eligible for regularisation and the process has been completed. Despite the employees were directed to make representation to that effect, the petitioners herein did not make any representation to the Government to consider their claim in accordance with the direction.

6. The petitioners may not have much scope even if they made any representations now. Because the task of identifying the qualified person have been completed. However, it is upto the respondents to consider the representation of the petitioners and pass appropriate orders in accordance with law and on its own merits.



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WEB COPY 7. With the above observation, this Writ Petition is disposed of. No costs.

13.02.2024

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Speaking order / Non-speaking order
vum

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R.N.MANJULA ,J.

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