



W.P.No.28806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28806 of 2022 and
W.M.P.No.28087 of 2022

K.Kamalakaran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Fort St.George, Chennai 600 009.
- 2.The Principal Chief Engineer PWD
cum Water Resources Department (General),
Public Works Department,
Ezhilagam, Chempauk,
Chennai 600 005.
- 3.The Engineer-in-Chief,
Water Resources Department and
Chief Engineer (General),
Public Works Department,
Chennai Region,
Ezhilagam, Chempauk,
Chennai 600 005.
- 4.The Superintending Engineer,
Public Works Department, WRD,
Vellar Basin Circle,
Cuddalore, Cuddalore District.



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5.The Executive Engineer,
Public Works Department, WRD,
Vellar Basin Division,
Virudhachalam, Cuddalore District.

6.The Assistant Engineer,
Public Works Department,
WRD, Vellar Basin Division,
Virudhachalam, Cuddalore District.

7.The Section Officer,
Public Works Department,
Irrigation Section,
WRD Vellar Basin Division,
Srimushnam,
Cuddalore District.

... Respondents

(R6 & R7 are impleaded vide order dated 27.07.2023
made in WMP.No.21745 of 2023 in W.P.No.28806 of 2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to include the petitioner's name in the regular permanent NMRs list as per the G.O.Ms.No.137, Public Works (C2) Department, dated 13.09.2019 in order to enable the petitioner to get minimum wages as per the decision of the Division Bench of Madurai Bench of Madras High Court issued in W.P.(MD).No.24081 of 2018 dated 31.01.2019 as per the communication sent to the fifth respondent dated 04.01.2022.

For Petitioner : Mr.J.Selvarajan

For Respondents : Ms.Jayanthi, AGP for R1 to R7



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to include the petitioner's name in the regular permanent NMRs list as per the G.O.Ms.No.137, Public Works (C2) Department, dated 13.09.2019 in order to enable the petitioner to get minimum wages as per the decision of the Division Bench of Madurai Bench of Madras High Court issued in W.P.(MD).No.24081 of 2018 dated 31.01.2019 as per the communication sent to the fifth respondent dated 04.01.2022.

2. Heard Mr.J.Selvarajan, learned counsel for the petitioner, Ms.Jayanthi, learned Additional Government Pleader for R1 to R7 and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner is a person in the NMR of the respondents 4 & 5 and working under their control. The grievance of the petitioner is that the similarly



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placed persons have been given with the benefit of minimum wages but the petitioner's name has not been included in the list for extending the said benefit to him.

4. The learned Additional Government Pleader for the respondents 1 to 7 submitted that the petitioner is not a regular NMR of the respondents' Department and hence, the petitioner cannot seek a positive direction against the respondents to include his name for granting him the minimum wages.

5. Before granting a direction as sought by the petitioner, the fact as to whether the petitioner was a regular NMR of the respondents 4 and 5 ought to have been decided. The petitioner without resorting to avail the remedy by filing appropriate proceedings before the appropriate authority under Minimum Wages Act, has sought the direction against the respondents to include his name in the list of employees who are eligible to get minimum wages.

6. The learned counsel for the petitioner submitted that the petitioner has given a representation in this regard, so far no order has



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been passed by the respondents.

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7. In that case, the petitioner can be granted with a limited relief of directing the respondents to consider the representation and pass orders on merits and in accordance with law.

8. Accordingly, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, by taking into consideration all the materials produced by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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R.N.MANJULA, J.

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