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W.P.No.28240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.28240 of 2024

Tamilnadu Salaipaniyalar Munnetra Sangam
Rep. by its General Secretary,
T.Ellappan,
No.81, Ramakrishnapuram Slum Area,
T.Nagar, Chennai – 600 017.

...Petitioner

-Vs-

1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai – 600 009.

2.The Principal Director of Highways,
Highways Department,
Guindy,
Chennai – 600 025.

3.The Chief Engineer,
Highways Department,
Guindy, Chennai – 600 025.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents herein to consider the representation of the



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petitioner Union dated 05.08.2024 to consider their names of 486 daily wage and contract workers, those who have worked from 2007 to 2011 and 2015 for appointment as Road Workers whenever it necessary within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.V.Arun
Assisted by Mr.M.A.Aruneshe

For Respondents : M/s.M.Jayanthi,
Additional Government Pleader

ORDER

M/s.M.Jayanthi, learned Additional Government Pleader takes notice on behalf of the respondents. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner Union dated 05.08.2024 to consider their names of 486 daily wage and contract workers, those who have worked from 2007 to 2011 and 2015 for appointment as Road Workers.

3. The case of the petitioner is that there are 486 Road Workers worked in Highways Department as Daily wage workers, contract workers



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for more than 12 years. During 2007, Thozhilalar Munnatra Sanga Peravai filed W.P.No.24516 of 2007 for directing the respondents to consider their grievances as per the representation sent by them on 02.02.2007. This Court, by its order dated 20.07.2007, directed the petitioner to send a fresh representation to the respondents within a week from 20.07.2007. On receipt of such representation, the third respondent is directed to consider the same on merits within a period of six weeks thereafter. In compliance with the order passed by this Court on 20.07.2007, the petitioner sent a fresh representation to the respondents. However, the second respondent in its letter dated 11.10.2023 informed the petitioner that as per G.O.(Ms)No.22 dated 28.02.2006, G.O.(Ms)No.74 dated 27.06.2013 and G.O.(Ms)No.131 dated 28.11.2020, if any daily worker of Highways Department who has completed 10 years of their service as on 01.01.2006 and continued as a daily worker, then their post may be regularized by the Highways Department. Further stated that if a daily worker who has completed 10 years of their service after 01.01.2006, cannot be regularized by the Highways Department. Further, in G.O.(Ms)No.131 dated 28.11.2020, it stated whenever necessary, in special cases, relaxation of rules is required, proposal shall be sent to Government.



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4. Learned counsel for the petitioner submitted that the petitioner has sent another representation to the respondents dated 05.08.2024 to consider their names of 486 daily wage and contract workers, those who have worked from 2007 to 2011 and 2015, for appointment as Road Workers by relaxing the rules. However, the said representation has not been considered by the respondents. Aggrieved by the same, the petitioner has approached this Court by way of filing this writ petition.

5. Heard both sides and perused the materials placed on record.

6. In view of the same, without going into the merits of the case, the second respondent is directed to consider the petitioner's representation dated 05.08.2024 as expeditiously as possible in accordance with law and pass appropriate orders on merits. No costs.

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cda

Index : Yes/No

Speaking/Non-Speaking Order



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To

- 1.The Secretary to Government,
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- 2.The Principal Director of Highways,
Highways Department,
Guindy,
Chennai – 600 025.
- 3.The Chief Engineer,
Highways Department,
Guindy, Chennai – 600 025.
- 4.T.Ellappan,
The General Secretary,
Tamilnadu Salaipaniyalar Munnetra Sangam
No.81, Ramakrishnapuram Slum Area,
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N.SENTHILKUMAR, J.

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