



W.P.(MD).No.20907 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.20907 of 2023

R.Krishnamoorthy

... Petitioner

Vs.

1.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Dindigul Division,
Dindigul.

2.The Engineer in Chief (General),
Water Resource Department,
Chepauk,
Chennai – 600 005.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to appoint the petitioner in the respondents Department on consolidated pay basis as directed by this Court vide its order dated 16.11.2007 in W.P.(MD).No.5253 of 2007 and



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the order dated 12.03.2021 in Contempt Petition (MD).No.403 of 2021 and to pay the back wages payable to the petitioner with effect from 2007.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard Mr.V.Kannan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

2. This Writ Petition has been filed seeking direction against the respondents to appoint the petitioner in the respondents Department on consolidated pay basis as directed by this Court vide its order dated 16.11.2007 in W.P.(MD).No.5253 of 2007 and the order dated 12.03.2021 in Contempt Petition (MD).No.403 of 2021 and to pay the back wages payable to the petitioner with effect from 2007.

3. Mr.V.Kannan, learned counsel for the petitioner submitted that earlier when the order passed on 08.10.2003 rejecting the representation of the petitioner to continue his services as daily wager, the peti has preferred an



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Original Application before the Administrative Tribunal which was got later converted as W.P.(MD).No.5253 of 2007. In the said Writ Petition, an order has been passed on 16.11.2007 by making an observation that the Government officials have a bounden duty to perform their duties and they shall do the needful to accommodate the petitioner in some vacancies after verifying the genuineness of their service. As the petitioner has not been considered thereafter, he keeps on sending representation to the respondents, but his representation has not been considered. Hence, the petitioner has come before this Court by way of filing this Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner earlier filed a Contempt Petition in Cont.P.(MD).No.307 of 2008 and the same was dismissed on 18.08.2008 on the ground that if the Government permits the appointment, then the petitioner would be appointed and the Court thus held that no violation has been found. The record would show that there is no operative order which would mandate the respondents to appoint the petitioner in any appointment. There is no mandatory direction given, but in the case of the petitioner is ordered to be considered favourably if at all he can be accommodated in any vacancy after verifying his genuineness. Hence, there cannot be any question of violating the orders of the Court, in order to pass any



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orders in the Contempt Petition. But however, the Contempt Petition has been dismissed.

5. Mr.M.Lingadurai, learned Special Government Pleader for the respondents. submitted that on verification of the petitioner's record, it is seen that the petitioner was involved in the criminal case. However, the learned counsel for the petitioner submitted that he was acquitted in criminal case.

6. Barring all those submissions made by respective counsels on both sides, the fact remains that the petitioner's service has been utilized on temporary basis as NMR. Unless the petitioner could prove before any of their authorities that he had continued his services for a specific quantum of years and for which there is any scheme or Government order already in force, the respondents cannot be compelled to consider the representation of the petitioner. Without any statutory base, no obligations be caused upon the respondent authorities and no direction of this sort requested by the petitioner be granted.



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WEB COPY 7. With the above observations, this Writ Petition is **closed**. No costs.

02.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Dindigul Division,
Dindigul.
- 2.The Engineer in Chief (General),
Water Resource Department,
Chepauk,
Chennai – 600 005.
- 3.The Engineer in Chief,
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R.N.MANJULA, J

Nsr

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