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W.P.(MD) No.22537 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.22537 of 2018

and

W.M.P.(MD) Nos.20385 of 2018 & 6621 of 2019

M.Chithradevi

... Petitioner

-VS-

- 1.The Government of Tamilnadu
rep.by its Principal Secretary
Public Works Department
St.George Fort
Secretariat, Chennai
- 2.The Chief Engineer (Public)
and Principal Chief Engineer
Public Works Department
Cheppakkam, Chennai
- 3.The Chief Engineer
Public Works Department
Madurai Zone, Madurai
- 4.The Superintending Engineer (WRO)
Vaipparu Basin Division
Virudhunagar District
Virudhunagar



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5.The Executive Engineer (WRO)
Kundaru Basin Division
Virudhunagar District
Virudhunagar

6.The Assistant Executive Engineer (WRO)
Kundaru Basin Sub-Division
Usilampatti, Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to regularize the petitioner's NMR service based on the petitioner's representation dated 05.09.2018 in the light of orders in S.L.P.No.20352 of 2016 dated 28.10.2016 and S.L.P.No. 17385 of 2016 as well as the G.O.Ms.No.22, P&R (F) Department, dated 28.02.2006, G.O.(Stand) No.134, Public Works (C2) Department, dated 07.05.2010, G.O.Ms.No.202, Public Works (C2) Department, dated 01.08.2012, G.O.Ms.No.74, P&R (F) Department, dated 27.06.2013 from 01.01.2006 are similar to the petitioner are regularized after completion of ten years NMR service.

For Petitioner : Mr.M.Venkatesan

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to regularize the service of the petitioner based on her long years of service as NMR by relying upon G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006.

2. The petitioner claims that on account of her long years of service as NMR, she is entitled for regularization of service.

3. A counter affidavit has been filed by the respondents denying the contentions of the petitioner.

4. Admittedly, the representation of the petitioner given by her prior to the filing of this writ petition was not considered by the respondents. The said representation was given seeking regularization of her service. The contentions of the petitioner, as raised in this writ petition, have also been disputed by the respondents, as seen from their counter affidavit.



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5. No prejudice will be caused to the respondents, if the petitioner is allowed to give a fresh representation to the respondents seeking regularization of her service based on her claim that she has been working with the Public Works Department for a long number of years and a direction is issued to the respondents to consider her representation on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the third respondent seeking for regularization of her service in the light of the Government Orders and the recommendations sent by the fifth respondent, dated 20.05.2014 and 20.06.2017, which have been relied upon by the petitioner in this writ petition, within a period of two weeks from the date of receipt of a copy of this order.

7. On receipt of the said representation, the third respondent shall forward the same to the Additional Chief Secretary, Water Resources Department, St.George Fort, Secretariat, Chennai, within a period of two weeks thereafter. On receipt of the said representation, the Additional Chief



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Secretary, Water Resources Department, St.George Fort, Secretariat, Chennai, after affording one personal hearing to the petitioner at the convenient date and time of the Additional Chief Secretary, shall pass final orders on merits and in accordance with law, within a period of three months thereafter.

8. The interim order granted by this Court on 25.02.2019, in W.M.P.(MD) No.20385 of 2018, shall continue till final orders are passed by the Additional Chief Secretary, pursuant to the above directions issued by this Court.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note to Office:

Mark a copy of this order to the Additional Chief Secretary, Water Resources Department, St.George Fort, Secretariat, Chennai.

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To:

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Public Works Department,
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ABDUL QUDDHOSE, J.

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