



W.P.(MD).No.23419 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23419 of 2023

L.Prakash

... Petitioner

Vs.

1. The Principal Secretary to Government,
Public Works Department,
Fort St.George,
Chennai – 600 009.
2. The Engineer in Chief,
Public Works Department,
Water Resources Organization,
Chepauk,
Chennai – 600 005.
3. The Chief Engineer,
Water Resources Organization,
Public Woks Department,
Trichy Zone, Trichy.
4. The Superintending Engineer,
Water Resources Organization,
Public Works Department,
Keelakaveri Drainage Circle,
Near Sathapillai Gate,
Thanjavur.



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5. The Executive Engineer,
Water Resources Organization,
Public Works Department,
Vennaru Drainage Division,
Thanjavur.

6. The Assistant Executive Engineer,
Water Resources Organization,
Public Works Department,
Vennaru Drainage Division,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in proceedings No.S.4(1)/39911/2022, dated 25.10.2022 and quash the same and consequently directing the respondents to include the petitioner's name in the list of NMR's entitled for wages at minimum pay scale as per G.O.(Ms) No. 233, Public Works Department, dated 06.12.2019 and quash the same.

For Petitioner : Mr.C.Prithiviraj

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present Writ Petition has been filed by a Non-Muster Roll Employee working in the sixth respondent office seeking to quash the order passed by the second respondent, dated 25.10.2022, wherein, his request for



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payment of basic pay of minimum of pay scale has been rejected, on the ground that his name was not recommended to the screening committee.

2. The petitioner is a Diploma holder in Civil Engineering and he had joined as a daily wage employee in the sixth respondent office on contract basis. He was working in the said office from March 2013 till April 2022.

3. According to the learned counsel appearing for the petitioner, the Government of Tamil Nadu has issued an order in G.O.(Ms).No.137, Public Works Department, dated 13.09.2019, wherein minimum wages were fixed for the NMR's on pay scale applicable to the post of Sweeper/Scavenger. Though the petitioner was working from the year 2013 onwards, he has not been conferred with the said benefits based upon the said Government Order. The petitioner had filed a writ petition in W.P.(MD) No.16666 of 2022, seeking a Mandamus to include the name of the petitioner in the list of NMR's/Daily Rated Labours entitled for the wages at the Minimum Pay Scale and provide him job opportunity as per G.O.(Ms).No.233, dated 06.12.2019. The said writ petition was disposed of by this Court on 28.07.2022 with a direction to the Principal Chief Engineer, Water Resources Department,



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Chepakkam, to consider the petitioner's representation dated 25.06.2022 and pass orders, within a period of three months. Pursuant to the said order, the present impugned order has been passed by the second respondent herein.

4. A perusal of the order impugned in the writ petition reveals that since the petitioner has completed only seven years period, his name was not even recommended for Screening Committee as contemplated under G.O.(Ms) No. 137, Public Works Department, dated 13.09.2019. Challenging the same, the present Writ Petition has been filed.

5. According to the learned counsel appearing for the writ petitioner, G.O.(Ms) No.137, dated 13.09.2019 does not mandate completion of 10 years of services in the NMR's cadre for being referred to the Screening Committee as contemplated in the said Government Order. Therefore, his name was erroneously left out to be referred to the Screening Committee for conferring benefits of Minimum basic wages.

6. Per contra, the learned Special Government Pleader appearing for the respondents herein had contended that the petitioner is a Diploma holder in



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Civil Engineering and therefore, as per the said Government Order, his name was not recommended for payment of Minimum basic pay.

7. A perusal of the impugned order indicates that the petitioner's name was not referred to the Screening Committee only in view of the fact that he had not completed ten years of service. However, a perusal of Government Order further indicates that completion of 10 years period is not mandatory. On the other hand, paragraph No. 6(ii) of the G.O.(Ms) No.137, Public Works (C2) Department, dated 13.09.2019, clearly points out that the above referred concessions conferred upon the non-muster roll employees shall not be applicable to those engaged in the categories of Technical Assistant, possessing being/diploma qualification both in Civil and Electrical. Therefore, it is clear that the petitioner having a Diploma qualification in Civil Engineering has not been referred to the Screening Committee to verify the credentials. Since the petitioner is not eligible to the benefits under G.O. (Ms) No.137, Public Works (C2) Department, dated 13.09.2019, there are no merits in this writ petition.



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8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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