

W.P. No. 12247 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P. No. 12247 of 2012

1. Tamil Nadu PWD & Highways
Employees Union
Rep. by its General Secretary
Regd. No.378/77
No.4/130-D, Ma.Po.Si.Nagar-II Street
Tiruvallur – 602001.

2. D.Sreenivasan

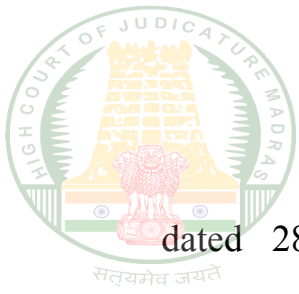
... Petitioners

-VS-

1. The Secretary to Government of Tamil Nadu
High Ways Department
Secretariat, Chennai – 600009.
2. Chief Engineer
High Ways Department, Chepauk
Chennai – 600005.
3. The Principal Director
High Ways Department
Chennai – 600005.
4. The Divisional Engineer
High Ways Department
Tiruvallur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, after calling for the records relating to the impugned proceedings Letter No.5751/Nir 6(1) /2010



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dated 28.08.2012 of the second respondent and quash the same and consequently direct the first and second respondents to regularize the petitioner's members whose names are given in the typed set of papers from the date of their initial engagement with back wages, continuity of service.

For Petitioners : Mr.N.G.R.Prasad
For M/s.Row and Reddy

For Respondents : Mr.M.Murali, GA

ORDER

This writ petition has been filed challenging the Proceedings Letter No.5751/Nir 6(1) /2010 dated 28.08.2012 of the second respondent and consequently direct the first and second respondents to regularize the petitioner's members whose names are given in the typed set of papers from the date of their initial engagement with back wages, continuity of service.

2. Heard Mr.N.G.R.Prasad for M/s.Row and Reddy, learned counsel for the petitioner and Mr.V.Murali, learned Government Advocate for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. It is the case of the petitioner that the petitioner is a trade Union. The



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employees whose names mentioned in the impugned order were working with

the respondent as Nominal Muster Roll (NMR) employees are members of the

Union. In the year 1989, the respondents started to terminate the services of NMR Mazdoors throughout the State of Tamil Nadu on the instructions of the second respondent. Hence, the petitioner Union filed original application before the State Administrative Tribunal in O.A.No.1907 of 1989 and batch for regularization of the services of the NMRs. The Tribunal directed the respondent to give employment to the members. Due to the above order, all the NMRs in Tamil Nadu irrespective of the factor whether they filed case or not were reinstated in service and given employment. Therefore, the petitioner have filed OA. No.8389 of 1998 before the State Administrative Tribunal, Chennai which was later transferred to this Court and converted as W.P.no.35791/2006 seeking extension of benefits as it was given in O.A.No.1907 of 1989 and batch of cases. On 08.01.2010, this Court disposed of the writ petition by directing the petitioner to make a representation on behalf of the writ petition by directing them to make a representation on behalf of the members to the concerned authority within a period of two weeks from the date of receipt of a copy of the order and light of the observations made in order dated 13.03.2007 in W.P.nos.27705 and batch within a period of eight weeks thereafter. On 19.02.2010, the petitioner made a representation to the respondents seeking



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regularization from the date of the initial engagement of the workmen and extension of similar relief as given others. Since the respondent did not pass order on the petitioners representation, the petitioner has filed Cont.P.No.51 of 2011 before this Court. When the contempt petition came up for hearing, the learned Government Advocate produced a letter dated 08.02.2011 annexing the impugned order dated 28.08.2010 passed by the second respondent which is impugned in the present writ petition.

3. The learned counsel for the petitioner submitted that without going into the merits of the case, this Court permits the petitioner members to make an individual representation along with proof of 10 years of completion of service to enable the respondents to consider the said representation.

4. In view of the limited relief sought for by the petitioner, this Court without going into merits of the case and without interfering in the impugned order, permits the petitioner to send an individual representation along with all the necessary documents to the second respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such, representation, the second respondent shall consider and pass orders on the representation, after providing opportunity to the parties, within a period of



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eight weeks from the date of receipt of a copy of this order.

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5. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

07.02.2025

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

To

1. The General Secretary
Tamil Nadu PWD & Highways Employees Union
Regd. No.378/77
No.4/130-D, Ma.Po.Si.Nagar-II Street
Tiruvallur – 602001.
2. The Secretary to Government of Tamil Nadu
High Ways Department
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M.DHANDAPANI, J.

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