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W.P. No.28766 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.28766 of 2014

and

M.P.No.1 of 2014

C.Jayakumar

... Petitioner

Vs.

- 1.The Secretary to the Govt. of Tamil Nadu,
Public Works Department
Fort St. George, Chennai – 9.
- 2.The Engineer in Chief
And Chief Engineer, (General)
Public Works Department,
Chepauk, Chennai – 5.
- 3.The Engineer in Chief (Buildings),
Public Works Department,
Chepauk, Chennai -5.
- 4.The Chief Engineer (Buildings) – Chennai Region,
Public Works Department,
Chepauk, Chennai – 5.
- 5.The Chief Engineer (General)
Public Works Department,
Chepauk, Chennai – 5.



W.P. No.28766 of 2014

WEB COPY

6.The Assistant Executive Engineer,
Kothaiyar Basin Sub Division,
(Public Works Department),
Thucklay,
Kanyakumari District.

7.The Assistant Executive Engineer,
Water Resources Organisation,
(Public Works Department),
Nagercoil, Kanyakumari District.

8.The Assistant Executive Engineer,
Fishing Harbour Project Sub Division,
Water Resources Organisation,
(Public Works Department),
Colachel, Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified Mandamus, calling for the records pertaining to the Letter of the 1st Respondent in Letter No.19502/C2/2011-3 dated 28.02.2014 and quash the same and consequently direct the Respondents to regularise the service of the Petitioner as Mazdoor.

For Petitioner : M/s.C.K.M.Appaji

For R1 to R7 : Mr.E.Vijay Anand
Additional Government Pleader.

ORDER

This is the second round of litigation before this Court. Earlier, the

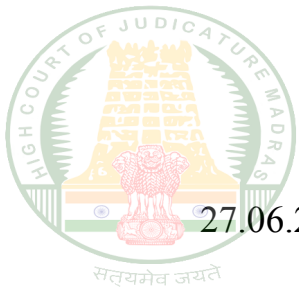


W.P. No.28766 of 2014

Petitioner had filed W.P.No.15222 of 2011 seeking a Writ of Mandamus, directing the Respondents 1 and 2 to consider the claim of the petitioner for regularisation of his services on completion of 10 years of service as a 'Casual Labourer' at the Respondent Department with all consequential benefits in accordance with various Government Orders on the subject and based on the representation dated 19.11.2010 of the Petitioner.

2. The aforesaid writ petition was disposed of vide Order dated 29.06.2011 by directing the Respondents to consider the request of the petitioner request for absorption as a permanent employee at the Respondent Departement, as the petitioner had purportedly completed more than ten years of service with the Respondents.

3. It is in this background the Impugned Letter dated 28.02.2014 was issued by the Respondents rejecting the request of the Petitioner stating that the Petitioner had not completed ten years of service and therefore, the Petitioner would not be entitled to the benefits under the Government Order in G.O.Ms.No.74, Personnel and Administrative Reforms Department, dated



W.P. No.28766 of 2014

27.06.2013.

WEB COPY

Relevant Portion of the Impugned Letter dated 28.02.2014 of the Respondent is extracted hereunder:

“2. In this regard, the Engineer in Chief (Buildings), Chief Engineer (Buildings), Chennai Region and Chief Engineer (General), Public Works Department in his letter 2nd cited has reported that the Assistant Executive Engineer, Kodayar Basin Sub-division, Water Resources Department (3rd respondent in the above W.P) has informed that the petitioners Tvl.C.Jayakumar and G.D.Ramesh have not completed 10 years of service and they are not working in Kodayar Basin Sub-division now.

3. Taking into consideration of the above report of the Engineer in Chief (Buildings), Chief Engineer (Buildings), Chennai Region and Chief Engineer (General), Public Works Department, the Government examined your claim for regularisation of your services. Accordingly, I am directed to inform that your services cannot be regularized as per the existing Government Orders relating to regularisation of services of Casual labourers issued in G.O.(Ms.) No.74, Personnel and Administrative Reforms Department, dated 27.06.2013.”

4. The learned counsel for the Petitioner placing reference to the typed set of documents, indicated that the Petitioner has indeed served with various units of the Respondent department for a long period of time. It is



W.P. No.28766 of 2014

submitted that these documents ought to have been considered by the Respondents before passing the impugned order.

5. It is further submitted by the learned counsel for the Petitioner that the Respondents have only considered the services rendered by the Petitioner at the Kodayar Basin Sub Division, Water Resources Department and not the entire service of the Petitioner at the Respondent Department. It is stated that the certificates issued by other divisions indicate that, prima facie, the petitioner has served for more than ten years at the Respondent Department.

6. Considering the same, the Respondents are directed to verify the documents relating to the service of the Petitioner with the Respondent Department and pass suitable orders within a period of three (3) months from the date of receipt of a copy of this order. It is open for the Petitioner to submit a fresh copy of the aforesaid documents/certificates to the Respondents and the Respondents shall pass orders after verifying the same.



W.P. No.28766 of 2014

WEB COPY

7. Accordingly, this writ petition is disposed of. The connected miscellaneous petitions, if any, shall stand closed. No costs.

28.02.2025

Index : Yes/No
Speaking Order : Yes/No
dpa

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Page No.6 of 8



W.P. No.28766 of 2014

WEB COPY

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WEB COPY



W.P. No.28766 of 2014

C.SARAVANAN,J.

dpa

W.P.No.28766 of 2014

28.02.2025