



WEB COPY

WP No. 33543 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 33543 of 2019
and W.M.P.No.34002 of 2019**

1. J.Andrew Charles
S/o.Jeevarathinam, 233/1,
Thirukalukundram Road,
Alappakkam,Vallam Post, Chengalpet
Taluk, Kancheepuram District-603 003.

Petitioner(s)

Vs

1. The Government of Tamilnadu
Rep. by its Secretary to Government,
Highways Department, Chennai-9.

2.The Additional Chief Secretary
Highways and Rural Works
Department, Secretariat, Fort St.
George, Chennai-93

3.The Director General
Highways Department, Chennai-5.

4.The Divisional Engineer
Highways and Rural Works, Chengalpet
Division, Chengalpet, Kancheepuram
District



Respondent(s)

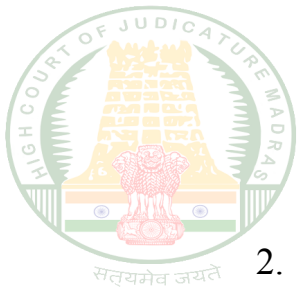
PRAYER: Writ petition is filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus calling for the records pending on the file of 2nd respondent bearing proceedings Number 1654/ H.M.2/2016-12, dated 14.12.2018 and quash the same and consequently direct the respondents herein to reabsorb the petitioner in the Post of the Driver of the Highways Department, Government of Tamilnadu in the existing or future vacancies on priority basis that may arise and by further regularizing the services of the petitioner in the Post of Driver, Highways Department, Government of Tamilnadu with all attendant service benefits

For Petitioner(s): M/s.T.T.Ravichandran

For Respondent(s): Mr.V.Umakanth
Government Advocate

ORDER

The Writ Petition has been filed to call for the records pending on the file of 2nd respondent bearing proceedings Number 1654/ H.M.2/2016-12, dated 14.12.2018 and quash the same and consequently direct the respondents herein to reabsorb the petitioner in the Post of the Driver of the Highways Department, Government of Tamilnadu, in the existing or future vacancies on priority basis that may arise and by further regularizing the services of the petitioner in the Post of Driver, Highways Department, Government of Tamilnadu with all attendant service benefits.



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2. It is submitted that the petitioner joined in the services as NMR on daily wage basis 01.02.1991. The Highways Department has followed the orders issued by this Court in various writ petitions and regularized the services of 27 employees on 01.03.2012 by issuing Government Order in G.O.Ms.No.26 Highways Department dated 01.03.2012. As the petitioner had put more than 10 years of service, he gave representation to regularize his services. As his representation has not been considered, he filed a writ petition in W.P.No.35764 of 2016 and a direction has been issued to the respondents in the said writ petition to consider the petitioner's representation and pass orders. In compliance of the said order the petitioner's representation was considered but his claims was rejected. Aggrieved over which the petitioner has filed this writ petition.

3. T.T.Ravichandran, the learned counsel for the petitioner, submitted that the impugned order has been passed by placing wrong reliance on the G.O.Ms.No.22 P & AR Department dated 28.02.2006. In the impugned order it has been stated that as the petitioner has not produced any document to show that he was continuing in services as on 01.01.2006 by completing 10 years of service on the said day and hence he is not entitled to regularization.

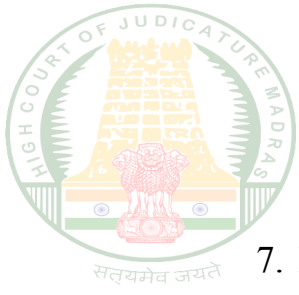
4. Mr.V.Umakanth, the learned Government Advocate for the respondents, submitted that as per the records the petitioner has been working as



Daily wages employee from 01.12.1991 to 31.12.1998 i.e. for 7 years 10 months and 15 days. Despite the petitioner stated that the G.O.Ms.No.22 P & AR Department dated 28.02.2006 is not applicable to him, he has not produced any other Government Order which is applicable to his case. It is also clarified that in some of the orders passed by this Court that the orders have been complied just to avoid contempt proceedings and in the later appeals preferred by the Government, the Court has observed that an exceptional case cannot be considered as a precedent.

5. Even though the petitioner has pleaded that he had completed 10 years of service, he had not produced any records to show that he continued to be in employed as a daily wager until the crucial date on 01.01.2006 in order to get the regularization / absorption under G.O.Ms.No.22 P & AR Department dated 28.02.2006.

6. It is difficult to understand the contention of the petitioner the petitioner cannot be treated under G.O.Ms.No.22 P & AR Department dated 28.02.2006 and that is applicable only to those persons who have been recruited through employment exchange through Transport Department in G.O.Ms.No.41 Transport Department dated 31.07.2006. The petitioner has not cited any other Government Order for his benefit except G.O.Ms.No.41 Transport Department dated 31.07.2006. The said Government Order makes reference to giving priority and appointment of those persons who have been retrenched.



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7. Even in G.O.Ms.No.41 Transport Department dated 31.07.2006, it is stated that preference in appointments can be given to those persons who have been appointed from 1997 onwards and terminated later.

8. As the petitioner has not made out any case for consideration or that the impugned order has been passed on any illegal basis, I do not find any reason for interference.

9. In the result, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

07-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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Highways Department, Chennai-9.
2. The Additional Chief Secretary
Highways and Rural Works
Department, Secretariat, Fort St.
George, Chennai-93
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R.N.MANJULA J.

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