



W.P.(MD)No.16381 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

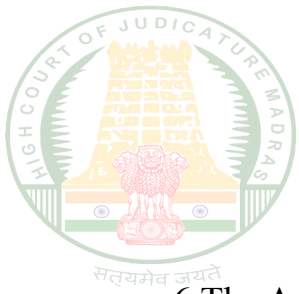
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Clarence Theodore

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Public Works Department (PWD),
Fort St. George, Secretariat, Chennai 600 009.
- 2.The Engineer in Chief (PWD) & Chief Engineer (General),
Public Works Department (PWD),
Kamarajar Salai, Chepauk,
Chennai 600 005.
- 3.The Chief Engineer (Building - Construction and Maintenance),
Public Works Department (PWD),
Trichy Region, Trichy,
- 4.The Superintendent Engineer
(Building Construction and Maintenance),
Public Works Department (PWD),
Trichy Circle, Trichy.
- 5.The Executive Engineer
(Building Construction and Maintenance),
Public Works Department (PWD),
Trichy Division, Trichy,



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6. The Assistant Executive Engineer
(Building Construction and Maintenance),
Public Works Department (PWD),
Trichy Sub- Division, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant the pay fixation and seniority with effect from 30.06.2006 on completion of 10 years of service and to pay the actual monetary benefits with effect from the date of issuance of G.O.Ms.No.334, Public Works (C2) Department, dated 19.10.2007.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to grant pay fixation and seniority to the petitioner with effect from 30.06.2006, on completion of 10 years of service and to direct the respondents to release the actual monetary benefits arising therefrom, with effect from the date of issuance of G.O.Ms.No.334, Public Works (C2) Department, dated 19.10.2007, in accordance with law.



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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submits that the petitioner, having completed his S.S.L.C. and duly registered with the Tamil Nadu Government Employment Exchange, was engaged as a Mazdoor on daily wage basis in the fifth respondent's Department on 01.07.1996. He has rendered continuous and unblemished service for nearly three decades without any interruption.

4. It is submitted that the petitioner completed 10 years of service on 30.06.2006, making him eligible for regularization with effect from 01.01.2008, in terms of the policy laid down in G.O.Ms.No.334, Public Works (C2) Department, dated 19.10.2007. Despite this, the petitioner continues to serve as a daily wage earner on consolidated pay, without being accorded the status and benefits of a regular employee.

5. A proposal for regularization was forwarded by the sixth respondent to the second respondent on 20.12.2019, but no action has been taken. Repeated



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representations, including the latest one dated 04.02.2025, have also gone unanswered. Therefore, the learned counsel contends that the petitioner is being subjected to arbitrary and discriminatory treatment, as similarly placed daily wage employees have been granted regularization in other Departments. The non-implementation of G.O.Ms.No.334 in the petitioner's case is not only unjustified but also violative of Articles 14 and 16 of the Constitution of India. The learned counsel for the petitioner, therefore, prays for issuance of an appropriate writ, directing the respondents to regularize the petitioner's services with effect from 01.01.2008 and to grant pay fixation, seniority and monetary benefits as per applicable rules and Government orders.

6. Heard both sides.

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and



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hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

8. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 04.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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