



WEB COPY

WA No. 65 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 65 of 2026

&

CMP NO. 671 OF 2026

1. The State Of Tamil Nadu
Rep.By Its Principal Secretary,
Public Works Department,
Fort St. George,
Chennai 9.
2. The Chief Engineer (General) and Engineer-in-
Chief,
WRO, Public Works Department,
Chepauk,
Chennai 5
3. The Executive Engineer (WRO)
Kaveri Basin Sub Division,
Public Works Department,
Thanjavur.

..Appellant(s)

Vs

1. K.Kalamani
S/O.Kumarasamy,
Kaliyamman Koil St,
Ayya Nellore,
Maharajapuram Post,
Thiruvaidaimaruthur,
Thanjavur.
2. K.Senthilkumar
S/o.Kalyana Sundaram,



- Perumal Koil Main Road,
Ullikadai Post,
Papanasam Tk,
Tanjavur Dist.
3. A. Praveen Kumar
S/o.Aruldhass,
2/263, Mada Koil St,
Tookur Post, Boothalore Tk,
Tanjavur Dist.
4. K.Bharathkumar
S/o.Kalingan,
439, Kovalandi Main Road,
Boothalore Tk,
Tanjavur Dist.
5. K.Balamurugan
S/o.Kannan,
1/79-2, Adhi Dravida St,
Ayyamangalam,
Barathikudi,
Tanjavur Dist.
6. K.Bramadevan
S/o.M.Kasi Rajan,
1/23, Vadkku St,
Amman Pettai,
Vithiyapuram Post,
Thiruviyar,
Tanjavur Dist.
7. M.Balaji
S/o.T.Muruganantham,
No.36, Ettarai Vellee,
Viravan Koil,
Eachankudi Post,
Thiruvaiyaru Tk,
Tanjavur Dist.
8. S. Vijayakumar
S/o.Sundaravadivelu,
1C, Puthu Kudiyanai St,
Puthu Sathiram,
Alameelupuram,
Poonti Post (via),
Thirukattupalli,
Boothalur Tk,



- Tanjavur Dist.
9. A. Ezhilarasi
W/o.Ayyavu,
453, Kila Maharajapuram,
Sathanur Post, Thillaisanam (via),
Thiruvaiyaru Tk,
Tanjavur Dist.
10.S. Vimalraj
S/o.Sivagzhanam,
580, Therku St,
Nadukkaveri (via)
Thiruvaiyaru Tk,
Tanjavur Dist.
11.S. Ramya
D/o.Shanmugaraj,
526, Naduatu Palam,
Pattiswaram,
Kumbakonam,
Tanjavur Dist.
12.G. Rajadevi
D/o.Gurumoorthy,
No.2, Kzil Sethi Thipirajapuram,
Kumbakonam,
Tanjavur Dist.

.. Respondent(s)

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the
Writ Appeal and set aside the order in W.P.No.27781 of 2023 dated 31.01.2025.

For Appellants:

Mr.J. Raveendran,
Addl. Advocate General assisted by
Mr.Alagu Gowtham,
Govt. Advocate

For Respondents:

M/s.L.Chandrakumar



JUDGMENT

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(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court Appeal has been directed against the order passed by the Writ Court dated 31.01.2025 made in W.P.No.27781 of 2023 .

2. That the private respondents/writ petitioners were engaged on daily wage basis as Nominal Muster Roll workers (in short ‘NMRs’) by the Appellant Department, i.e., Public Works Department which was subsequently divided into PWD-WRD (Water Resources Department). There were thousands of such NMRs engaged periodically and at one point of time, the Government has decided to regularise the services of these NMR employees. Therefore numerous exercises had been undertaken through out the State, whereby, the concerned Engineers of the PWD or WRD were requested to send the list of NMRs who have been serving for several years under various schemes undertaken by PWD / WRD.

3. Accordingly, these NMRs names have been selected and verified by Expert Committee before whom, a list had been prepared and ultimately, the said Committee having scrutinised the certification and other details of those NMRs had come to the conclusion that there were 3407 such NMRs are



currently on the role and their services can be regularised by giving them pay on par with the employment of Sweepers and other Low Grade Services.

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4. In this context, a Government Order was also issued in GO.Ms.233, dated 06.12.2019 by the Public Works Department, pursuant to which, such a benefit had been extended to 3407 such NMRs.

5. It is, in this context, even though the writ petitioners who are the private respondents herein have been engaged during the relevant point of time as NMRs under various schemes at Thanjavur District, i.e., Kumbakonam WRD, they have not been included in the said GO. Ms.233, that is along with 3407 NMRs for getting such benefits.

6. Therefore, they independently approached the Public Works Department to seek their pay and wages on par with other NMRs who had already been considered and included with the benefits under the GO.Ms.233. In other words, the benefit which has already been conferred to thousands of NMRs under GO.Ms.233 was required to be extended to these NMRs also, that is the reason why they approached the Appellant Department. However, their request having been considered was turned out by the order impugned before the Writ Court, dated, 10.04.2023.



7. When that was challenged before the Writ Court, the stand that was taken by the Department was that though these NMRs/writ petitioners had been engaged continuously from 2012 till date, the certification was with the concerned authorities i.e., engineers of Public Works Department. The fact remain that they had been engaged only through the contractors and payment and wages for them has been paid to the employees i.e., NMRs, only through the Contractors and not directly by PWD/WRD. Therefore, these employees are not entitled to get the benefits of other NMRs for the reason that they are not as covered under GO.Ms.233 and therefore, on that ground, since the plea raised by the these writ petitioners have been rejected, such a rejection order is to be sustained, was the defence taken by the Appellant/Department before the Writ Court, who is the respondent therein.

8. The learned Writ Court, having considered the factual matrix, has recorded in the impugned order itself that, in the order impugned before the Writ Court itself, it has been admitted that during the relevant point of time i.e., in 2008 and 2013, these writ petitioners had been engaged as NMRS. Some of them had been continuously working for more than 10 years, therefore they are entitled to get minimum pay scale as per GO.Ms.No.233 of the Department, dated 06.12.2019.

9. The relevant table to that effect, as has been quoted in the order



impugned before the Writ Court has been reproduced in paragraph 16 of the impugned order, where, it has been clearly mentioned that all these writ petitioners either have been engaged in the year 2011 or 2012 or some of them in 2013 and 2014 and continuously since the date of their engagement, they have been working .

10. This fact is not disputed.

11. The only ground that was urged before the Writ Court and is again reiterated herein also by the learned Addl. Advocate General appearing for the Appellant is that, though these NMRs had been continuously engaged for several years, even during the relevant point of time, ie., 2008 and 2013, their engagement has not been made directly either by PWD/WRD, but they have been engaged only through the contractors, through whom, the wages of the NMRs have been paid . Therefore, they are not eligible to seek for the benefit arising out GO.Ms.233, dated 06.12.2019.

12. In so far as this plea raised by the appellant who stood as the respondent before the writ court, answer had been given by the Writ Court from paragraph 19 onwards in the impugned order.

13. It has been specifically mentioned that when there has been

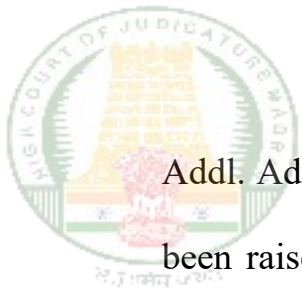


admitted fact that these writ petitioners have been engaged continuously and some of them have been working more than 10 years as NMRs, certainly they would be entitled for the benefit arising out of GO.Ms.233 dated 06.12.2019.

14. After all these NMRS are seeking only the pay parity as that of the NMRs who are getting such pay as per the GO Ms.233 and therefore, such a pay is sought for, the same cannot be denied. This position has been reiterated by an order of the earlier Division Bench in this regard passed by a Division Bench of this Court in Madurai in WP.(MD) No.24081 of 2018 dated 31.01.2019.

15. It is submitted by the learned Addl. Advocate General by quoting a Single Judge order passed by one of us in W.P.(MD) No.8092 of 2020, dated 01.10.2020 and made a submission stating that as per the said order of the Single Bench, out of the 17 such NMRs who had been projected before the Single Judge, for getting such regularisation of absorption, only three of them were directed to be considered, remaining of them have been rejected for want of such proof or evidence of a certification, the same position is prevailing in so far as the present writ petitioners also, is the contention of the learned Addl. Advocate General appearing for the Appellant.

16. We are not impressed with the said submission made by the learned



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Addl. Advocate General for the simple reason that, in so far as the plea that has been raised by the NMRs who stood as petitioners in W.P.(MD).No.8092 of 2020 is concerned, they sought for regularisation as if that they have completed 10 years of service under the PWD/WRD Department, for which, there is no evidence established. In view of the lack of evidence or proof, some of them have been accepted and some of them have been rejected by the order passed by the learned Single Judge dated 01.10.2018 in W.P.(MD) No.8092 of 2020. Therefore, that logic would not apply to the present case, the reason being that, in the present case all the writ petitioners have been continuously working as NMRs and their period of service, as per the certification issued by Department, is not disputed, but the only objection they raised is that they have been engaged not directly, but only through the Contractors. There has been no direct evidence to establish that they have been engaged only through the contractors and they worked on contract basis..

17. Moreover, once the NMRs have been engaged under the scheme being envisaged and undertaken either by the PWD or WRD, those NMRs can only be construed as NMRs directly under the PWD/WRD. Therefore, in all four, they are entitled to get the benefit of other NMRs as has been provided under GO.Ms.233, dated 06.12.2019 of the PWD. Therefore, absolutely, there has been no error or flaw in the order that has been passed by the Writ Court impugned herein, dated 31.01.2023, as a result of which, We are not



inclined to entertain this Writ Appeal as it deserves to be dismissed.

Accordingly, it is dismissed.

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18. The direction given by the Writ Court to give the benefit arising out of GO.Ms.233, dated 06.12.2019 to these writ petitioners/respondents are to be complied with by the Appellant Department within a period of two months from the date of receipt of a copy of this order and they shall continue to comply the same as per their entitlement .

19. With this observation, the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.]

[S.S.A.,J.]

20-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr



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**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

msr

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