

(2010) 09 MAD CK 0276

Madras High Court

Case No: Writ Petition No. 10412 of 2005

Tamil Nadu PWD Field and
Technical Staff Association

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision: Sept. 30, 2010

Hon'ble Judges: K.B.K. Vasuki, J

Bench: Single Bench

Advocate: L. Chandrakumar, for the Appellant; K. Balakrishnan, Additional Government
Pleader for RR1 and 2, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

K.B.K. Vasuki, J.

The limited relief sought for in this writ petition is to direct the first Respondent to pass appropriate orders on the representation dated 19.11.2004 filed by the Petitioner, seeking regularisation of the services of the members of the Petitioner's Association, who have completed 10 years and more than 10 years in their services in the light of the Government orders on this subject and on the basis of the recommendations of the authorities concerned.

2. At the outset, the learned Counsel for the Petitioner would submit that though the petition is filed by the Association, the relief sought for is only in respect of eleven members list containing their names is enclosed at pages 4 to 6 of the typed set of papers filed by the Petitioner and during the pendency of the writ petition, 2 out of 11 members left their services and hence, the relief is restricted to 9 out of 11 members. It is now argued by the learned Counsel for the Petitioner that the Petitioners and others were appointed as Nominal Muster-Roll/Casual labourers between 01.11.1988 and 1999 and had rendered services without any interruption. In order to give an artificial break, the Respondents made attempts to terminate the services of the Petitioners and the similarly placed employees and the same compelled the Petitioner and others to approach Tamil Nadu Administrative

Tribunal in O.A. No. 5436 of 1996 for appropriate relief. Pending proceedings before the Administrative Tribunal, the Petitioners were terminated, but were subsequently reinstated in their services in pursuance of initiation of contempt proceedings. Thereafter, some of the employees, who were the co-applicants in O.A. No. 5436 of 1996 were on the basis of their service for more than 10 years regularised and on the failure of the Respondents to extend the same concession to remaining members numbering 11 being represented by the Association herein, the present writ petition came to be filed for the relief as stated supra. The attention of this Court is also in the course of argument drawn to various Government orders passed at regular intervals by the Government for regularisation of the employees completing ten years of service and the latest among which are G.O. Ms. No. 34, Public Works Department, dated 19.10.2007 and G.O. Ms. No. 134, Public Works Department, dated 07.05.2010. The Petitioner's Association has already made due representation to the Respondents to consider the remaining members for their permanent absorption on the basis of their continuous service rendered and finding no response from the Respondents herein, the Petitioner Association is compelled to approach this Court for appropriate relief.

3. In the opinion of this Court, the action of the Respondents is not extending the benefit of permanent absorption to the similarly placed persons (i.e.) to the Petitioners amounts to serious discrimination offending Art 14 of the Constitution of India.

4. That being so, it is but appropriate for this Court to direct the first Respondent to consider the Petitioner's representation dated 19.11.2004 in respect of nine members in the list appended herein, in the light of the orders passed in respect of similarly placed Government servants and also in the light of various Government Orders as referred to above and to pass appropriate orders for regularisation of the service of the Petitioners as expeditiously as possible, preferably not later than eight weeks from the date of receipt of the copy of this order.

5. With this observation, this writ petition is disposed of. No costs.