



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
dated : 30.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)Nos.2438 and 10999 of 2016
and
W.M.P (MD)Nos.4553, 8484 and 8485 of 2016

Selvaraj ...Petitioner in W.P(MD)No.2438 of 2016
Veerasamy ...Petitioner in W.P(MD)No.10999 of 2016

Vs.

1.The Secretary to Government,
Adidraavidar and Tribal Welfare Department,
Chief Secretariat,
St. George Fort,
Chennai - 600 009.

2.The Director
Adidraavidar and Tribal Welfare Directorate,
Chennai - 600 005. ... Respondents in both petitions

Common Prayer : Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the circular of the second respondent in Na.Ka.No.E4/11027/15-1 dated nil signed on 15.05.2015 and quash the same consequently directing the second respondent to act in accordance with the Government Standing Order N.18 dated 13.02.2015 of the first respondent.

For Petitioner
in both Wps : Mrs.S.Vijayasanthi

For Respondents
in both Wps : Mr.R.Anandharaj G.A.,

COMMON ORDER

Challenging the circular issued by the second respondent, dated 15.05.2015, the present writ petitions have been filed.

2.According to the petitioners, they are registered contractors carrying out the works entrusted by the Adidraavidar and Tribal Welfare Department. Earlier the Junior Engineer of



Adidraavidar and Tribal Welfare Department is empowered to give technical sanction for the work upto Rs.1,00,000/-. Considering the difficulty faced, the Government passed G.O.Ms.No.18, Adidraavidar and Tribal Welfare Department, dated 13.02.2015, whereby the ceiling limit was increased to Rs.3,00,000/- and the Junior Engineers are empowered to grant technical sanction for the contract work upto Rs.3,00,000/-. Subsequently, by the impugned G.O., the second respondent issued the impugned circular saying that since the Assistant Executive Engineer was appointed to supervise the work, the Junior Engineer is directed to prepare the estimate and to get a technical sanction from the Assistant Executive Engineer. According to the petitioners, as per G.O.Ms.No.18, Adidraavidar and Tribal Welfare Department, dated 13.02.2015, it is only the Junior Engineer, who is empowered to accord sanction for the work upto Rs.3,00,000/-. Without considering the abovesaid G.O., now the impugned circular has been issued directing the Junior Engineers to prepare the estimate and get the technical sanction from the Assistant Executive Engineer. It is totally against the G.O.Ms.No.18, Adidraavidar and Tribal Welfare Department, dated 13.02.2015. Hence, the petitioners want to set aside the impugned circular.

3.The second respondent filed a counter affidavit stating that as per the circular, the Assistant Executive Engineer is only empowered to supervise the construction. This arrangement is made only to avoid misusing the Government fund by the contractors. The Assistant Executive Engineer only visits the construction place at the time of sanctioning the contract amount in order to ascertain the proper completion of the work.

4.The learned counsel for the respondent would contend that the circular has been issued only to the extent of monitoring the work by the Assistant Executive Engineers and therefore, no prejudice would be caused to the Junior Engineers in respect of granting technical sanction.

5.I have considered the submissions of both sides.

6.The first and foremost contention of the learned counsel appearing for the petitioner that the G.O.Ms.No.18, Adidraavidar and Tribal Welfare Department, dated 13.02.2015 specifically empowers the Junior Engineer to give technical sanction upto Rs.3,00,000/-. Now by means of impugned circular, the entire power of granting technical sanction was given to the Assistant Executive Engineer. According to the petitioners, in view of the above circular, all the Contractors are necessarily approached only the Assistant Executive Engineer for getting approval for the contract work even upto Rs.3,00,000/-.



7.Per contra, the learned counsel for the respondents submitted that the power of the Junior Engineers granting technical sanction is no away affected by the impugned circular as the impugned circular only empowers the Assistant Executive Engineer to monitor and supervise the work and not otherwise.

8.In view of the submissions made by the learned counsel for the respondents, as per G.O.Ms.No.18, Adidravidar and Tribal Welfare Department, dated 13.02.2015, only the Junior Engineer is empowered to give technical sanction for the contractor upto Rs.3,00,000/- and the Assistant Executive Engineer, who was appointed in every district, is only empowered to supervise the work which was sanctioned by the Junior Engineers.

9.With the above clarification, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Adidravidar and Tribal Welfare Department,
Chief Secretariat,
St. George Fort,
Chennai - 600 009.

2.The Director
Adidravidar and Tribal Welfare Directorate,
Chennai - 600 005.

+1cc to M/S.S.Vijayasanthi, Advocate in SR No.74433/16
+2cc to the Spl.Govt.Pleader in SR Nos.74801 & 74798 of 2016

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and
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