

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2017

Coram

THE HON'BLE MR.JUSTICE T. RAJA

W.P.No. 14907 of 2017
and
W.M.P.No. 16149 of 2017

P. Manibalan,
Assistant Engineer (H),
Thiruthuraipoondi Highways
C & M Sub Division,
Thiruthuraipoondi - 614 713.
Thiruvarur District.

...Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by the Chief Secretary,
Fort St. George,
Chennai - 600 009.
2. The Department of Highways
and Minor Ports,
Rep. by the Secretary,
Secretariat, Chennai - 600 009.
3. The Highways Department,
Rep. by the Director General,
Sardhar Patel Road,
Guindy, Chennai - 600 005.
4. The Tamil Nadu State Construction
Corporation Ltd.,
Rep. by the Managing Director,
Jawaharlal Nehru Salai,
Jainagar, Arumbakkam,
Chennai - 600 106.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the second respondent to act on the recommendation of the fourth and third respondents in Letter No. 37057/Nir.2(1)/2007 dated 11.07.2011 and pass orders on merits, in accordance with law, within a time frame, so as to absorb the Petitioner in the Highways Department permanently, enabling the Petitioner to receive the retirement benefits.

For Petitioner : Mr.P. Anbarasan

For Respondents : Mr.V. Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The petitioner has filed the present writ petition seeking issuance of Writ of Mandamus directing the second respondent to act on the recommendation of the fourth and third respondents in Letter No. 37057/Nir.2(1)/2007 dated 11.07.2011 and pass orders on merits, in accordance with law, within a specified time limit.

2. The petitioner was appointed as Site Engineer - I, Trainee in Civil Engineering by the fourth respondent Corporation and after completion of one year training, he was again appointed as Site Engineer Grade - I. Thereafter, he was allowed to complete two years of probation and thereupon he was appointed as a regular Assistant Engineer. Later on 24 Assistant Engineers were sent on deputation to Rural Development Department by the Government and he is one among them. During the year 2007, the Rural Development Department decided to send back all the Assistant Engineers including the petitioner, drawn from various departments. The parent department of the petitioner and 23 others went defunct and was about to be closed. Therefore, the Government took a policy decision to send all the 24 Engineers to Highways Department on deputation. On this basis, the petitioner and 23 Engineers were appointed as Assistant Engineers in Highways Department on 01.01.2008.

3. In the mean while, the Chief Engineer Highways Department also took up the matter for absorbing the 24 Assistant Engineers working in the Highways Department on deputation. The 4th and 3rd Respondents have sent a letter dated 11.07.2011, communicating the decision of the Government for absorbing the Assistant Engineers working on deputation in the Highways Department and asked for consent of the TNPSC, the same is pending. Therefore, he pleaded for a direction to the respondents to act on the recommendation of the fourth and third respondents in their letter dated 11.07.2011. In support of his submission, he has also referred to an order of this Court dated 11.01.2017 passed in W.P.No. 938 and 939 of 2017 in a similar circumstances. The penultimate paragraph is extracted as under:-

"7. Though the petitioners pray for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directed the first respondent to act on the recommendation of the 4th and third respondents in

Letter No.37057/Nir2(1)/2007 dated 11.07.2011 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners. The writ petition is disposed of accordingly. No costs."

4. In the light of the orders passed in the above, learned Special Government Pleader appearing for the Respondents sought for sufficient time to consider the case of the petitioner. Therefore the first respondent is hereby directed to act on the recommendation of the fourth and third respondents in Letter No.37057/Nir2(1)/2007 dated 11.07.2011 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition stands disposed of. Consequently, W.M.P.No. 16149 of 2017 is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Chief Secretary, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
 2. The Secretary, Department of Highways and Minor Ports,
Secretariat, Chennai - 600 009.
 3. The Director General, Highways Department,
Sardhar Patel Road, Guindy,
Chennai - 600 005.
 4. The Managing Director, Tamil Nadu State
Construction Corporation Ltd.,
Jawaharlal Nehru Salai,
Jainagar, Arumbakkam,
Chennai - 600 106.
- +1cc to M/s.P.Anbersan, Advocate sr.41929
+1cc to M/s.V.Jayaprakash Narayanan, Advocate sr.41935
+1cc to Government Pleader sr.42830

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rsk(co)
ss(23/6/2017)