

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.No.24036 of 2006 and
M.P.Nos.1 and 2 of 2006

T.Kannan

... Petitioner

Vs.

1. The State of Tamilnadu
rep. by its Secretary to Government,
Public Works Department,
Fort St.George, Chennai - 600 009.
 2. Engineer-in-Chief Water Resources
Organization & Chief Engineer (General)
Public Works Department
P.W.D. Campus, Chepuak, Chennai - 600 005.
 3. Tamil Nadu Public Service, Commission,
represented by its Secretary,
Government Estate,
Chennai - 600 002.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first and 2nd respondents to estimate the vacancies accrued every year in the categories of Assistant Engineers and Junior Engineers in Public Works Department up to the estimate year ending on 31.03.2006 and apportion the same between Assistant Engineers and Junior Engineers in strict conformity with special Rules to Tamil Nadu Engineering Service and Tamil Nadu Engineering Subordinate Service i.e., (i) following, the 75% : 25% ratio (3:1 ratio) amongst Assistant Engineers and Junior Engineers and (ii) adjusting the already excessively appointed Junior Engineers in the vacancies reserved for Assistant Engineers etc., and to report the same apportioned for direct recruitment of Assistant Engineers to the third respondent and consequently direct the third respondent to notify the said vacancies and complete the selection process, all within a time frame, so as to complete the appointments before 09.10.2006 as directed by the Hon'ble Supreme Court.

For Petitioner : Mr.N. Subramaniyan

For Respondents 1 & 2 : Mr.R. Govindasamy
Special Government Pleader

For Respondent - 3 : M/s. C.N.G.Niraimathi
(TNPSC)

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus to direct the first and second respondents to estimate the vacancies accrued every year in the categories of Assistant Engineers and Junior Engineers in Public Works Department up to the estimate year ending on 31.03.2006 and apportion the same between Assistant Engineers and Junior Engineers in strict conformity with special Rules to Tamil Nadu Engineering Service and Tamil Nadu Engineering Subordinate Service i.e., (i) following, the 75% : 25% ratio (3:1 ratio) amongst Assistant Engineers and Junior Engineers and (ii) adjusting the already excessively appointed Junior Engineers in the vacancies reserved for Assistant Engineers etc., and to report the same apportioned for direct recruitment of Assistant Engineers to the third respondent and consequently direct the third respondent to notify the said vacancies and complete the selection process, all within a time frame, so as to complete the appointments before 09.10.2006 as directed by the Hon'ble Supreme Court.

2. The case of the petitioner is that the Public Works Department authorities failed to follow the quota Rule 3:1 (75% and 25%) in the appointment of vacancies for the post of Assistant Engineer and Junior Engineer resulting in excess appointment of Junior Engineer in excess of their quota 25%, even after the ban on fresh recruitments. Therefore, the present writ petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that though the prayer sought for in this writ petition is to issue a direction to the authorities, however, instead of giving positive direction to the authorities, the petitioner may be permitted to make a representation to the authorities elaborating his claims and the respondents may be directed to consider the same and pass appropriate orders.

4. Admittedly, till date the 1st respondent/Public Works Department has not filed any counter affidavit. However,

without ascertaining the stand of the department, this Court is not inclined to issue any positive direction as sought for by the petitioner in this writ petition.

5. In view of the limited scope of the prayer now sought for by the learned counsel for the petitioner, this Court permits the petitioner to make a representation to the respondents within a period of one week from the date of receipt of a copy of this order and on receipt of such representation the second respondent shall consider the same and pass appropriate orders within a period of twelve weeks thereafter.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

msm

1. The Secretary to Government,
The State of Tamilnadu
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Fort St. George, Chennai - 600 009.
2. Engineer-in-Chief Water Resources
Organization & Chief Engineer (General)
Public Works Department
P.W.D. Campus, Chepuak, Chennai - 600 005.
3. The Secretary,
Tamil Nadu Public Service, Commission,
Government Estate,
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+1 cc to Mr.N.Subramaniam Advocate sr 30103

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