

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.12.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Writ Petition No.32138 of 2018

J.Joseph Amirtharajan

.. Petitioner

- Vs -

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works (B-1) Department,
Fort St. George, Chennai 600 009
2. The Engineer-in-Chief (Buildings) and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai 600 005

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to implement G.O.Ms.No.1, Public Works (B-2) Department, dated 02.01.1990, in letter and spirit in so far as the petitioner is concerned for transfer of service as Assistant Engineer from the date of promotion as Junior Engineer (Electrical) and consequently, direct the respondents to confer to the petitioner notional transfer of service in the cadre of Assistant Engineer (Electrical) and also to re-fix their seniority in the cadre of Assistant Engineer (Electrical), by considering their representation dated 14.11.2017 within a time to be stipulated by this Court.

For Petitioner : Mr. P.Ganesan

For Respondents: Mr. A.N.Thambidurai, Spl.G.P.,

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O R D E R

The petitioner, who joined as a Technical Assistant on 22.07.1996 and as a Junior Engineer on 09.12.2004, claims that he should have been posted and designated as Assistant Engineer from 09.12.2004, but designated so, only from 24.02.2006 has submitted representation claiming benefits on par with the persons whose representations have been favourably considered, namely, one Mr V.Sathuragiri and Mr.P.B.Mohan and claims benefit in terms of G.O.Ms.No.1, Public Works (B-2) Department, dated 02.01.1990 and G.O.Ms.No.409, Public Works (B-2) Department, dated 25.08.2003.

2. It is represented that as per G.O.Ms.No.1, Public Works (B-2) Department, dated 02.01.1990, the petitioner ought to have been re-designated as Assistant Engineer on acquiring degree qualification in Engineering and on completion of five years of service as Technical Assistant; however, his claim for redesignation of his service from Technical Assistant to Assistant Engineer (Electrical) has not been considered, but he was posted only as Junior Engineer.

3. It is contended that if the respondents had considered the representation of the petitioner, by implementing Government Orders, referred to supra, he would get the benefit of seniority for further promotion from the post of Assistant Engineer to that of the Assistant Executive Engineer.

4. It is also pointed out that the request of the persons similarly placed has been considered and the same has also been implemented.

5. Mr. A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents.

6. In view of the limited relief sought for, without dwelling into the merits or otherwise of the matter, the respondents are directed to consider the representation, dated 14.11.2017 preferred by the petitioner, in terms of the Government Orders, referred to supra, and the benefit conferred upon similarly placed persons and to pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Secretary to Government, Government of Tamil Nadu,
Public Works (B-1) Department,
Fort St. George, Chennai 600 009

2. The Engineer-in-Chief (Buildings) and Chief Engineer
(General),
Public Works Department, Chepauk, Chennai 600 005

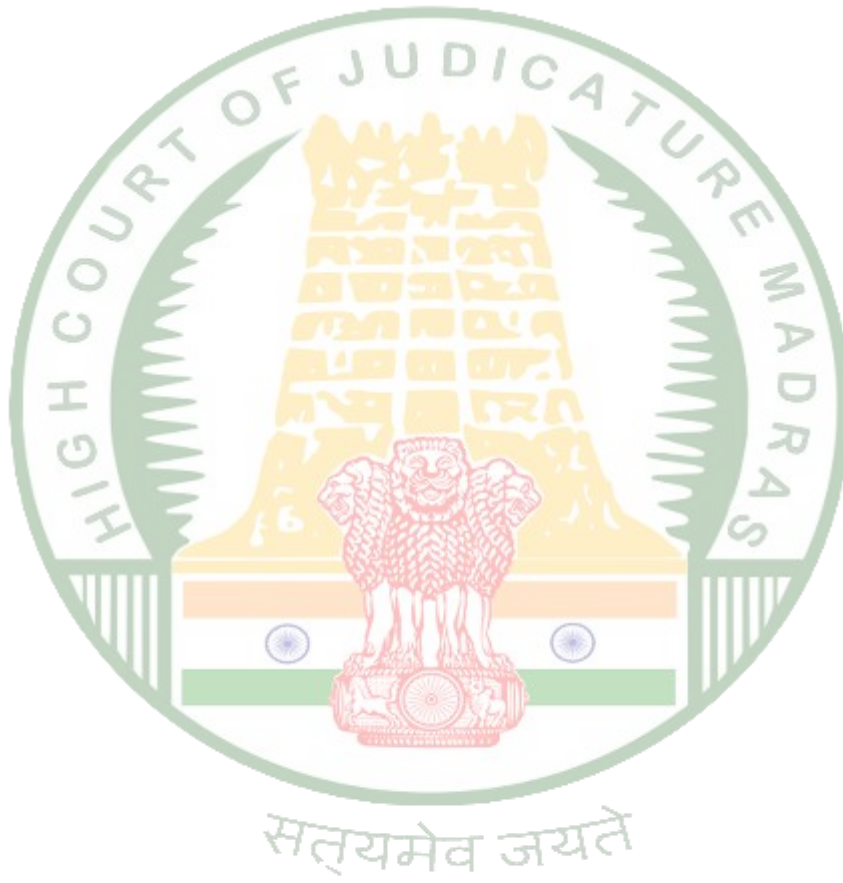
+1cc to Mr. P.Ganesan , Advocate SR.No. 83538

+1 CC TO GOVERNMENT PLEADER SR.NO. 84447

W.P.No.32138 of 2018

ASK(19/12/2018)

05.12.2018



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