

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 13934 of 2019

N. Santhi Kumari

...Petitioner

Vs.

1. The Chief Engineer
Director of Technical Education
Guindy Campus, Chennai - 25.

2. The Secretary
The Public Works Department
St. George Fort, Secretariat
Chennai - 600 009.

3.The Chief Engineer (General)
Public Works Department
Chepauk, Chennai - 5.

4.The Deputy Superintending Engineer
Directorate of Technical Education
Guindy Campus, Chennai - 25.

5.The Executive Engineer
Directorate of Technical Education
Guindy Campus
Chennai - 25.

6.The Chief Account Officer
Pay Account Office (South)
485, Annasalai, Nandanam
Chennai - 35.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to dispose the representation made on 22.11.2018 by the Petitioner.

For Petitioner : Mr. V. Nandagopalan
For Respondents : Mr. J. Purushothaman
Government Advocate

ORDER

The Writ Petition has been filed for a direction to the Respondents to dispose of the representation dated 22.11.2018 made by the Petitioner.

2. There is no representation for the Petitioner when the matter is called today as well as during the previous hearing on 03.06.2019.

3. In response to the contentions of Petitioner in the Writ Petition, the Fifth Respondent has filed status report, in which it has been stated as follows:-

"2. I submit that the Government of Tamil Nadu in its Order No.72, Finance (Letter of Credit) Department, dated 29.02.2016 have issued orders for this Department among other Departments to discontinue the existing system of Payment of Salaries, Wages and Payment of Works Contracts of all the Departments through cheque system (Letter of Credit System) and payment of all the supra mentioned bills of payments should be made by presenting the bills in the concerned Pay and Accounts Office /District Treasury / Sub Treasuries under Electronic Clearance System (ECS) with effect from 01.04.2016.

3. I further submit that the Government have issued this order in order to implement the directions of the Reserve Bank of India (RBI) to dispense with the disposal of Payment of Bills through cheque payment mode and to implement the payment system through Electronic mode (ECS Mode) directly by the Treasuries of Governments in all the States.

4. I also humbly submit that the payment of Bills through the Treasury in ECS mode will take less than one hour for getting the cash credit in the Bank Account of Payees and will not take 15 days as alleged by the Petitioner.

5. I further submit that the Government have drawn up detailed guidelines for the Department Engineers and the Treasury Officers in passing the Bills and making ECS payment through Treasuries in the Annexures attached to the Government order Supra stated."

The decision taken by the Respondents to resort to payment through ECS mode instead of cheques falls within the realm of policy-making, which this Court exercising discretionary powers under Article 226 of the Constitution of India, ought to be loathe to interfere. In that view of the matter, this Court does not find any justification to entertain the Writ Petition.

4. Accordingly, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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+1 cc to The Government Pleader Sr.No.53510

AKM/13.09.19/3P-8C /

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