

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20603 of 2019

and

WMP NO.19825 of 2019

S.Chidambaram

...Petitioner

..vs..

1. The Secretary to Government
Highways Department
Government of Tamilnadu
Secretariat, Chennai 600 009.
2. The Director General (Highways)
Highways Office Complex,
Taluk Office Road,
Near Saidapet Taluk Office,
Guindy, Chennai 600 025.
3. The Superintendent Engineer (Highways)
Construction & Management Circle,
Salem Circle, Salem.
4. The Divisional Engineer (Highways)
Construction & Management Circle
Namakkal Regular Division,
Namakkal.
5. The Assistant Divisional Engineer (Highways),
Sendamangalam Sub Division,
Sendamangalam, Namakkal District.
6. The Assistant Divisional Engineer (Highways),
Namakkal Sub Division, Namakkal
Namakkal District.
7. K.Ravi
Office Assistants
O/o. Assistant Divisional Engineer (Highways)
Sendamangalam Sub Divisional
Sendamangalam
Namakkal District.

8. P.Ramesh
Office Assistant,
O/o.Assistant Divisional Engineer (Highways)
Namakkal.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the posting of the respondents 7 and 8 as Office Assistants at the office of respondent 5 and 6 viz. Assistant Divisional Engineer (H), Sendamangalam Sub-division and Assistant Divisional Engineer (H), Namakkal Sub-division respectively as illegal, null and void and consequentially direct the respondents 2 to 4 to post the petitioner as 'Office Assistant' within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mrs.R.Janaki, AGP

ORDER

The petitioner has filed this petition praying to issue a writ of declaration declaring that the posting of the respondents 7 and 8 as Office Assistants at the office of respondent 5 and 6 respectively is bad in law and to direct the respondents 2 to 4 to post the petitioner as 'Office Assistant' within a reasonable time to be fixed by this Court.

2. The respondents filed the counter stating that on the date of filing of the writ petition there is no vacancy as such for the petitioner being posted as Office Assistant either in Tiruchengode Sub Division or in Rasipuram Sub-division, since only 25% of Office Assistant vacancy can be filled as per the Director General, Highways Department in Circular No.17914/NIR-1 (3) dated 29.12.2014. If any such vacancy arises in future, the department depending upon the circumstance available and also on the expression of the wish of the petitioner then, the respondents Department is willing to consider the petitioner's request for being posted as Office Assistant. In such view of the matter, request that the writ petition may be closed.

3. In view of the counter filed by the respondents wherein the respondents himself agreed to consider the petitioner for the post of Office Assistant in the respondent's office in

future, nothing survives in the matter for further adjudication. With the above observation, this writ petition is closed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Bga

To

1. The Secretary to Government
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Construction & Management Circle
Namakkal Regular Division,
Namakkal.
5. The Assistant Divisional Engineer (Highways),
Sendamangalam Sub Division,
Sendamangalam, Namakkal District.
6. The Assistant Divisional Engineer (Highways),
Namakkal Sub Division, Namakkal
Namakkal District.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No.78095
+1cc to the Government Pleader, S.R.No.78496

W.P.No.20603 of 2019

SPD(CO)
CS/30/10/2019
CS/19/11/2019