

CMP.No.22782 of 2018 in WA.No.373 of 2017

T.S.SIVAGNANAM,J
AND
V.BHAVANI SUBBAROYAN,J

Order of the Court was made by T.S.SIVAGNANAM,J

We have heard Mr.R.Singaravelan, learned Senior Counsel appearing on behalf of Mr.R.Jayaprakash, learned counsel on record for the petitioner, Mr.N.Subramaniyan, learned counsel appearing for respondents 1 to 5 and Mrs.Janaki, learned Additional Government Pleader appearing for respondents 6 and 7.

2. This is a petition filed by the petitioner seeking to modify the order of status quo granted in W.A.No.373 of 2017 vide order dated 19.4.2017 and to direct respondents 6 and 7 to fill up the post of Assistant Executive Engineer pending disposal of W.P.No.3617 of 2017.

3. The main contention advanced by the learned Senior Counsel appearing on behalf of the petitioner is that there are large number of vacancies for the Post of Assistant Executive Engineers in the Public Works Department and that because of the order of status quo obtained by the appellants in the above appeal, the entire process of promotion has been stalled thereby not only prejudicing his clients, but also it is against public

interest.

4. Earlier, the petitioner approached this Court for an identical relief by filing CMP.No.8660 of 2018 and it was disposed of by a Division Bench of this Court vide order dated 08.6.2018 declining to modify the order of status quo and requesting the learned Single Judge to dispose of W.P.No.3617 of 2017 within a period of one month. Pursuant to that, the said writ petition was listed, arguments were advanced and orders reserved. However, the learned Single Judge was transferred from the Madras High Court. Consequently, the said writ petition is to be heard afresh. Even thereafter, though the learned Senior Counsel appearing on behalf of the petitioner moved the Registry, the said writ petition has not yet been listed.

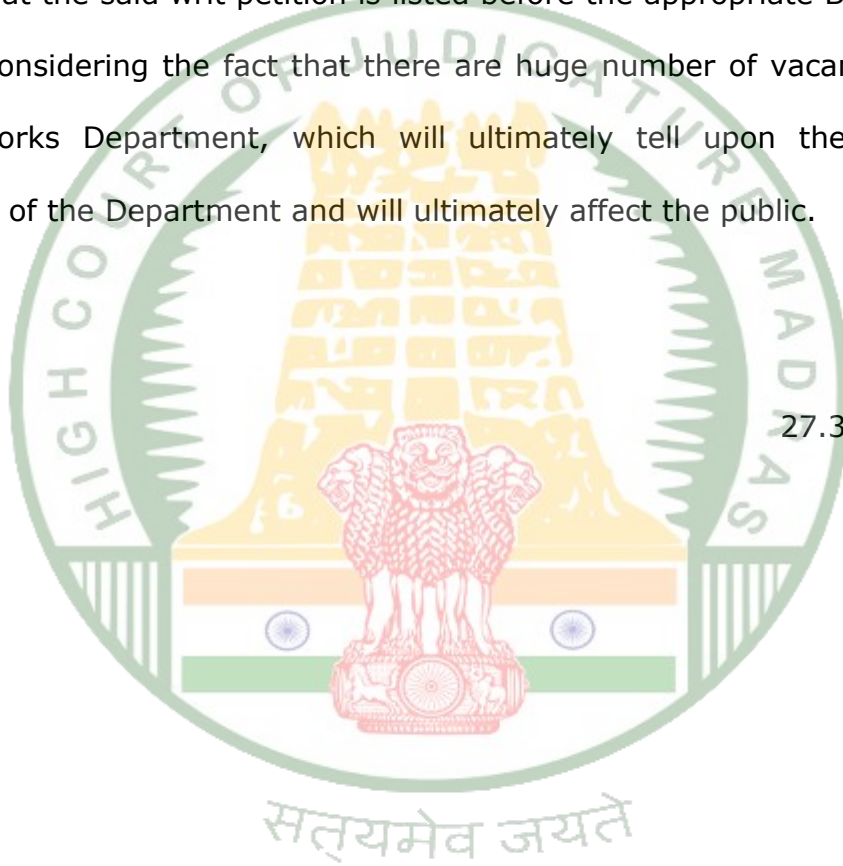
5. The learned counsel appearing for respondents 1 to 5 submits that he has already moved the Registry and also entered the case number in a register maintained by the Court, which is hearing service matters.

6. In the light of the fact that already a similar relief was sought for to modify the order of status quo and the fact a Division Bench of this Court declined to modify the order, once again we cannot be called upon to modify the order of status quo.

7. Therefore, we dispose of the above petition by giving liberty to the petitioner as well as the private respondents to move the Registrar – Judicial for early listing of the said writ petition. If a letter is given along with a copy of this order, then the Registrar – Judicial may obtain appropriate orders and ensure that the said writ petition is listed before the appropriate Bench at the earliest considering the fact that there are huge number of vacancies in the Public Works Department, which will ultimately tell upon the functional efficiency of the Department and will ultimately affect the public.

RS

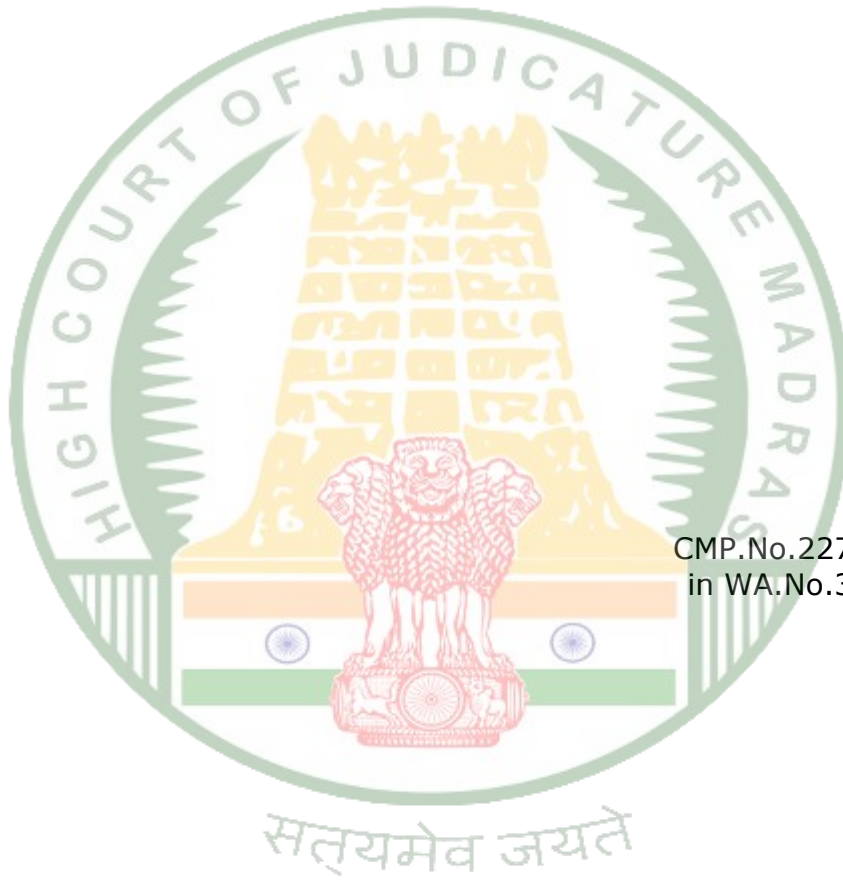
27.3.2019



WEB COPY

T.S.SIVAGNANAM,J
AND
V.BHAVANI SUBBAROYAN,J

RS



CMP.No.22782 of 2018
in WA.No.373 of 2017

WEB COPY

27.3.2019