



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) Nos.619 and 620 of 2019

and

C.M.P. (MD) Nos.5066 and 5067 of 2019

B.Murugesan : Appellant/Petitioner in W.A. (MD) No.619 of 2019

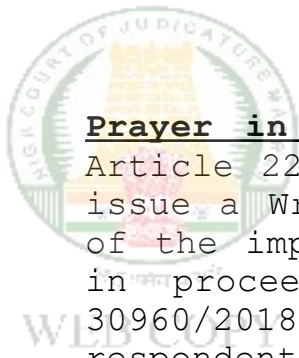
K.Ramanathadurai : Appellant/Petitioner in W.A. (MD) No.620 of 2019

Vs.

1. The Engineer-in-Chief (WRD) and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai - 600 005.
2. The Chief Engineer (Building),
Public Works Department,
Madurai Region,
Madurai - 625 002.
3. The Executive Engineer (WRD),
Public Works Department,
Special Project - Division,
Kumbakonam - 612 001. : Respondents in both the Writ Appeals

COMMON PRAYER: Writ Appeals are filed Clause 15 of Letters Patent Act, against the order dated 14.12.2018 made in WP(MD) Nos.24625 and 24626 of 2018.

Prayer in WP(MD) No.24625 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned orders of 1st respondent dated 07.12.2018 passed in proceedings No.S3(1)/30960/2018-1 and proceeding No.S3(1)/30960/2018-2 and quash the same and consequently direct the 1st respondent to pass order to transfer to the petitioner considering his representation dated 11.09.2018 which was already made to the 1st respondent through the proper channel.



Prayer in WP(MD)No.24626 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned orders of 1st respondent dated 07.12.2018 passed in proceedings No.S3(1)/30960/2018-1 and proceeding No.S3(1)/30960/2018-2 and quash the same and consequently direct the 1st respondent to pass order to transfer to the petitioner considering his representation dated 11.09.2018 which was already made to the 1st respondent through the proper channel which was acknowledged by the second respondent in his letter dated 07.04.2018 in letter No.A1/066/2018 (3279).

For Appellants in
both Writ Appeal : Mr.I.Suthakaran

For Respondents in
both Writ Appeals : Mr.N.Shanmugaselvam
Additional Government Pleader

COMMON JUDGMENT

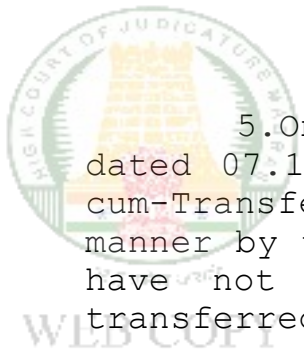
[Judgment of the Court was delivered by
SENTHILKUMAR RAMAMOORTHY, J.]

Aggrieved by the orders, dated 14.12.2018 passed in W.P. (MD)Nos.24625 and 24626 of 2018, the petitioner in W.P.(MD) No.24625 of 2018 has filed Writ Appeal(MD)No.619 of 2019 and the petitioner in W.P.(MD)No.24626 of 2018 has filed Writ Appeal(MD) No.620 of 2019.

2.By the said order, the Writ Court directed the first respondent to consider the representations of the petitioners, dated 11.09.2018 and 07.04.2018 respectively and pass orders thereon within a period of four weeks from the date of receipt of copy of the said order.

3.Heard the learned counsel appearing for the appellants and the learned Additional Government Pleader appearing for the respondents.

4.The learned counsel appearing for the appellants submitted that the petitioners' request to be considered for posting them to the requested place, was not considered and that they are affected by the bulk order of Promotion-cum-Transfer, dated 07.12.2018. He further submits that by the impugned order, the Writ Court did not consider the legal question and instead merely directed that the representations submitted by the appellants be disposed of.



5. On perusal of the order impugned in Writ Petitions, dated 07.12.2018, we find that it is a bulk order of Promotion-cum-Transfer and that the appellants are not affected in any manner by the said order. In addition, we find that the appellants have not impleaded the persons, who have been promoted and transferred under the said order, dated 07.12.2018.

6. We find that the appellants' rights are in no manner affected by the order impugned in the writ petitions and the appellants have also not impleaded the affected persons, who are necessary parties in the writ petitions. In response to our question as to whether the representations dated 11.09.2018 and 07.04.2018 were disposed of, as per the orders in the writ petitions, the learned counsel appearing for the appellants submits that the representations were considered and disposed of by communicating that no posts are available at present. If the appellants are aggrieved by the said order, it is always open to them to challenge the same in a manner known to law.

7. Accordingly, we find no infirmity in the impugned order and the Writ Appeals are disposed of with liberty to the appellants to challenge the order disposing of the representations dated 11.09.2018 and 07.04.2018 or to make fresh representation in respect of future vacancies. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

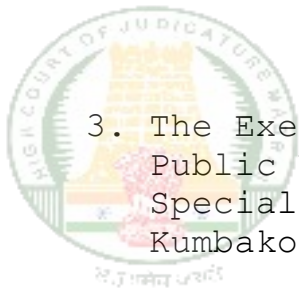
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Sub Assistant Registrar (CS)

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To

1. The Engineer-in-Chief (WRD) and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai - 600 005.
2. The Chief Engineer (Building),
Public Works Department,
Madurai Region,
Madurai - 625 002.



3. The Executive Engineer (WRD),
Public Works Department,
Special Project - Division,
Kumbakonam - 612 001.

+ 2 CC to Mr.I.Suthakaran, Advocate in SR.No.69515 & 69516
+ 1 CC to The Special Government Pleader SR.No.70313

W.A. (MD) Nos.619 and 620 of 2019

18.06.2019

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