



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

REVIEW APPLICATION (WRIT) NO.112 OF 2020

G.R.Radhakrishna

... Applicant

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary
P&AR Department, Secretariat, Chennai 9.
2. The Government of Tamil Nadu
rep. by its Secretary, Public Works Department
Secretariat, Chennai 9.
3. The Engineer-in-Chief (WRO) &
Chief Engineer (General)
Public Works Department
Chepauk, Chennai 5.

...Respondents

Prayer: Petition under Order XLVII, Rule 1, read with Section 114 of Civil Procedure Code, to review the order dated 15.09.2020 made in W.P.No.9628 of 2020.

W.P.No.9628 of 2020:- Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Declaration, declaring the provisions of Tamil Nadu, Government Servants (Conditions of Service) Act, 2016 especially the provisions under Section 7(1) of the Act including the second and fourth Provisos thereunder and the promotions of Assistant Executive Engineers ad Executive Engineers ordered in G.O.(2D) no.45 Public Works (A1) Department dated 19.02.2019 and G.O.(2D) Public Works (A1) Department dated 27.11.2019 as illegal, unconstitutional and void ab initio and consequently direct the respondents to revise the promotions of Assistant Executive Engineers as Executive as Executive Engineers ordered in the said Government orders dated 19.02.2019 and 27.11.2019 based on merit and ability as stipulated under Special Rules to Tamil Nadu Engineering Service and consequently to consider the petitioner for promotion as Executive Engineer notionally from the date on which the first ranked Assistant Executive Engineer



promoted as Executive Engineer in the said G.O.No.45, dated 19.02.2019 joined duty as Executive Engineer and fix the petitioner's pay in the category of Executive Engineer accordingly with effect from the said notional date with all consequential service and monetary benefits including the arrears of pay therefor from that notional date to the date of actual promotion.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J)

This is a review application against the order dated 15.09.2020 in W.P.No.9628 of 2020. The said writ petition was filed for a writ of Declaration in respect of the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and in particular, Section 7(1) thereof.

2. We heard Mr.N.Subramaniyam, learned counsel for the review applicant. The focus of the submissions of Mr.Subramaniyam is that he had challenged the constitutional validity of Section 7(1) and the proviso thereto and no finding was recorded in respect thereof. On perusal of the order under review, we find that a finding has been recorded that no case is made out with regard to the constitutional invalidity of Section 7(1) of the Act.

3. The other submission of Mr.Subramaniyam is that the writ petition was also dismissed on the ground that necessary parties have not been impleaded. Upon examining the order under review, we find that all the contentions of Mr.Subramaniyam have been considered in detail and findings have been recorded. We are unable to discern any error apparent in the said order and there is no other sufficient ground also for reviewing the said order.

Accordingly, this review application is dismissed. No costs. Consequently, WMP No.19018 of 2020 is also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kpl



To

1. The Secretary
P&AR Department
Secretariat, Chennai 9.

2. The Secretary
Public Works Department
Secretariat, Chennai 9.

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

+1cc to Mr.N.Subramaniyan, Advocate, S.R.No.3637

Rev.Aplw.No.112 of 2020

MG(CO)
CS/11/02/2021