

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

W.P.No.36529 of 2007
and M.P.No.2 of 2007

P. Ananda Jothi

... Petitioner

Vs.

1. State of Tamil Nadu
rep.by its Secretary to Government
Public Works Department,
Fort St.George,
Chennai 600 009.
2. The Engineer in Chief (Water Resources Organisation)
and Chief Engineer (General)
Public Works Department,
Chepauk, Chennai 600 005.
3. J.Anandasivakumar
Assistant Engineer (Electrical)
Public Works Department,
Electrical Section (Theni)
Madurai South Sub Division
Thallakulam, Madurai - 2.
4. A.Nagarajan,
Assistant Engineer (Electrical)
Public Works Department,
Parambikulam - Aliyar Project Campus,
Meikanaickenapatty, Pollachi,
Coimbatore District.
5. R.Chandrasekaran
Assistant Engineer (Electrical)
Public Works Department,
Electrical Section, Raj Bhavan,
Chennai.

6. K.Lingam
Assistant Engineer (Electrical)
Public Works Department,
Electrical Section,
Govt.Head Quarters Hospital Compound (New)
Tenkasi, Tirunelveli District.

7. M.Udhayasuriyan
Assistant Engineer (Electrical)
Public Works Department,
Electrical Section,
Secretariat Main building, Fort St.George,
Chennai 600 009.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the second respondent in proceeding No.S 1 (1)/64605/2007-1 dated 04.12.2007 and quash the same in respect of the respondents 3 to 7 alone and consequently include the name of the petitioner who is already in Serial No.19 of the seniority list and promote him as Assistant Executive Engineer (Electrical).

For Petitioner : Mr.R.Prem Narayanan

For Respondents: Mr.K.Magesh
Special Govt.Pleader for R1 & R2

Mr.C.Vediappan
for Mr.S.Mani for R3 to R6

O R D E R

The prayer in this writ petition is for issuance of writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the second respondent in proceeding No.S 1 (1)/64605/2007-1 dated 04.12.2007 and quash the same in respect of the respondents 3 to 7 alone and consequently include the name of the petitioner who is already in Serial No.19 of the seniority list and promote him as Assistant Executive Engineer (Electrical).

2. Heard both sides and perused the materials available on record.

3. An identical issue has been brought up before the Hon'ble Supreme Court and the same was dismissed in Civil Appeal Nos.10660-10662 of 2013 in the case of B.Thirumal Vs Ananda

Sivakumar & Others by holding that "Upgraded Assistant Engineers can be promoted only against the 25% quota reserved for them, not the 75% reserved for the State Service members". Following the same the present writ petition also stands dismissed. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Public Works Department,
Fort St.George,
Chennai 600 009.
2. The Engineer in Chief (Water Resources Organisation)
and Chief Engineer (General)
Public Works Department,
Chepauk, Chennai 600 005.
3. Assistant Engineer (Electrical)
Public Works Department,
Electrical Section (Theni)
Madurai South Sub Division
Thallakulam, Madurai - 2.
4. Assistant Engineer (Electrical)
Public Works Department,
Parambikulam - Aliyar Project Campus,
Meikanaickenapatty, Pollachi,
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Public Works Department,
Electrical Section, Raj Bhavan,
Chennai.
6. Assistant Engineer (Electrical)
Public Works Department,
Electrical Section,
Govt.Head Quarters Hospital Compound (New)
Tenkasi, Tirunelveli District.

7. Assistant Engineer (Electrical)
Public Works Department,
Electrical Section,
Secretariat Main building, Fort St.George,
Chennai 600 009.

+1cc to Government Pleader in SR.NO..36954

W.P.No.36529 of 2007

GMR (CO)
RV (08/12/2020)



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