



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM :

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. NO. 12893 OF 2006

AND

W.M.P.NOS. 33632 OF 2004, 14483, 14484 OF 2006 AND 381 OF 2007

1.K.Loganathan

(Petition against 1st petitioner dismissed
as withdrawn vide order dated 27/08/2021
made in W.P.No.12893 of 2006)

2.Masila Pandia Sankar

...Petitioner

Vs.

1.The Government of Tamil Nadu

Rep by its Secretary to Government
Public Works Department
Fort St. George
Chennai - 600 009

2.The Engineer-in-Chief (WRO)

and Chief Engineer (General)
Public Works Department
Chepauk
Chennai - 600 005.

...Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus or direction of calling for the records pertaining to G.O.(3D) No.50 Public Works Department dated 12.08.2004 on files of the 1st respondent and the consequential orders bearing Circular No.S3(3)/50038/2004-01 dated 09.09.2004 and Circular No.S3(1)/50039/2004-01 dated 09.09.2004 on the files of the 2nd respondent and quash the same and consequently direct the respondents to implement the One Unit system for the purpose of recruitment, promotion appointment etc., in respect of Junior Assistants, Typists (including Steno-typists) Assistants and Superintendents with effect from 27.03.1972.

For Petitioner : M/s.A.V. Bharathi
for Second Petitioner

For Respondents : Mr.S. John J. Raja Singh
Government Advocate



O R D E R

This writ petition is filed by two petitioners.

2. As far as first petitioner Mr.K.Loganathan is concerned, Ms.A.V.Bharathi has instructions from the petitioner to withdraw this writ petition and she has made an endorsement to this effect. Accordingly, this writ petition is dismissed as withdrawn insofar as the first petitioner is concerned.

3. The second petitioner challenges G.O.(3D) No.50 Public Works Department issued by the State, Government of Tamil Nadu, Public Works Department, dated 12.08.2004.

4. As rightly contended by Mr.S.John J.Raja Singh appearing for the State, the aforesaid G.O., has been the subject matter of consideration before a learned Single Judge of this Court in W.P.No.28378 of 2004. The learned Single Judge considers the background to the matter in extenso, concluding at Paragraph No.13 of his order dated 06.06.2013 that the challenge would not survive for the following reasons:

"13. But, the fact remains that the Tribunal issued a direction in O.A.No.5818 of 1993 to give the benefit of G.O. (3D) No.50 Public Works Department Dated 12.08.2004 to re-arrange the seniority. But, the order of the Tribunal was not challenged by the petitioners before this Court by way of any writ petition; instead, the petitioners have chosen to file a Review Petition before the Tribunal by raising similar grounds. The Tribunal has dismissed the Review Petition and there was no further challenge to the said order of dismissal of Review Petition. Thus, the Tribunal's order on the Review Petition thereby confirming the order made in O.A.No.5818 of 1993 has become final. When that be so, it is not open for the petitioners now to go back to square one and to challenge the proceedings in pursuance of G.O. (3D) No.50 Public Works Department dated 12.08.2004. After all the impugned Government Order is only consequential proceedings in pursuance of the order made by the Tribunal in O.A.No. 5818 of 1993. In my considered opinion, as rightly contended by the learned counsel appearing for the respondents 3 to 35, having suffered an order in the Review Petition filed to review the order made in O.A.No. 5818 of 1993, the petitioners are precluded from re-opening the whole issue by challenging the present Government Order since, the impugned Government Order is



only a consequential order. In such view of the matter, I do not find any merit at all in this writ petition. The writ petition has to necessarily fail."

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5. Order of the Tamil Nadu Administrative Tribunal referred to Mr.Justice S.Nagamuthu in the above decision was not at the instance of this petitioner. Be that as it may, since the same has been followed in order dated 06.06.2013 and since order dated 06.06.2013 has attained finality, following its ratio, this writ petition is dismissed. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

RAP/RR

To

1.The Secretary to Government
Public Works Department
Fort St. George
Chennai - 600 009

2.The Engineer-in-Chief (WRO)
and Chief Engineer (General)
Public Works Department
Chepauk
Chennai - 600 005.

+2ccs to M/s.A.V.Bharathi, Advocate SR.No.43370, 43371

+1cc to the Government Pleader SR.No.43684

W.P.No. 12893 of 2006
and
W.M.P.Nos. 33632 of 2004, 14484 of 2006,
381 of 2007,14483 of 2006

KSM(CO)
RVM(21/09/2021)