

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. Nos. 29992 to 29997 of 2007

W.P. No. 29992 of 2007:

A. Balasubramaniyan ... Petitioner

-vs-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
No. 1, Gandhi Irwin Road,
Egmore, Chennai - 8.
3. S.Rudiramurthy ... Respondents

(R3 impleaded as per order dated 05.11.2007
by KCJ in M.P.1&1&1 of 2007 in
W.P. Nos. 29992, 29994
and 29996 of 2007)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration declaring that the Regulations made in the year 1992 in exercise of Clause (c) of Sub-section (2) of Section 124 of Act 35 of 1972 in super-session of the Service Regulations in G.O.Ms.No.210 dated 26.02.1980 in respect of the employees of the second respondent has no force of law and is arbitrary and violative of Article 14 insofar as the deletion of Master of Engineering in Urban Engineering as a necessary qualification for the post of Deputy Planner in Section 11(b) of the said Regulations dealing with Planning Service insofar as the petitioner is concerned.

WP.No.29993 of 2007 :

A.BALASUBRAMANIYAN

..PETITIONER

Vs.

1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
FORT ST.GEORGE
CHENNAI 9.

2 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA) NO.1 GANDHI IRWIN ROAD EGMORE
CHENNAI 8.

..RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Memo No.E2/12974/07 dt 14.8.2007 and quash the same and consequently direct the 2nd respondent to include the petitioner in the panel to be prepared for promotion to the post of Deputy Planner and promote the petitioner to the post of Deputy Planner as per the amended service regulations passed in pursuance of power under regulation 2(4) in proceedings in Proc.No.RC.E1/16504/05 dt 27.10.1980 passed by the 2nd respondent amending G.O.ms.No.210 Housing and Urban Development dt 26.2.1980.

WP.NO.29994 OF 2007 :

C.PREM ANANTH SURENDRAN

.. PETITIONER

Vs

1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT HOUSING
AND URBAN DEVELOPMENT DEPT.
FORT ST.GEORGE
CHENNAI 9.

2 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA) NO.1 GANDHI IRWIN ROAD EGMORE
CHENNAI 8.

3 S.RUDIRAMURTHY
(R3 IMPEADED ORDER DT. 5/11/07
BY KCJ IN M.P.1/07)

..RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, declaring that the Regulations made in the year 1992 in exercise of clause (c) of sub section (2) of Section 124 of Act 35 of 1972 in supersession of the service regulations in G.O.ms.No.210 dt 26.2.1980 in respect of the employees of the 2nd respondent has no force of law and is arbitrary and violative of Article 14 in so far as the deletion of Master of Engineering in Urban Engineering as a necessary qualification for the post of Deputy Planner in Section II (b) of the said regulations dealing with planning service in so far as the petitioner is concerned.

WP.No.29995 of 2007 :

C.PREM ANANTH SURENDRAN ...PETITIONER

Vs

- 1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT HOUSING
AND URBAN DEVELOPMENT DEPT. FORT ST.GEORGE
CHENNAI 9.
- 2 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA) NO.1 GANDHI IRWIN ROAD EGMORE
CHENNAI 8. ...RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, calling for the records of the 2nd respondent in Memo No.E2/12974/07 dt 14.8.2007 and quash the same and consequently direct the 2nd respondent to include the petitioner in the panel to be prepared for promotion to the post of Deputy Planner and promote the petitioner to the post of Deputy Planner as per the amended service regulations passed in pursuance of power under regulation 2(4) in proceedings in Proc.No.RC.E1/16504/05 dt 27.10.1980 passed by the 2nd respondent amending G.O.ms.No.210 Housing and Urban Development dt 26.2.1980.

WP.No.29996 of 2007 :

R.MAGUDAPATHY ...PETITIONER

Vs.

- 1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT HOUSING
AND URBAN DEVELOPMENT DEPT. FORT ST.GEORGE
CHENNAI 9.

2 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA) NO.1 GANDHI IRWIN ROAD EGMORE
CHENNAI 8.

3 S.RUDIRAMURTHY
(R3 IMPEADED ORDER DT.5/11/07
BY KCJ IN M.P.1/07)

..RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, Declaring that the Regulations made in the year 1992 in exercise of clause (c) of sub section (2) of Section 124 of Act 35 of 1972 in supersession of the service regulations in G.O.ms.No.210 dt 26.2.1980 in respect of the employees of the 2nd respondent has no force of law and is arbitrary and violative of Article 14 in so far as the deletion of Master of Engineering in Urban Engineering as a necessary qualification for the post of Deputy Planner in Section II (b) of the said regulations dealing with planning service in so far as the petitioner is concerned.

WP.No.29997 of 2007 :

R.MAGUDAPATHY

...PETITIONER

Vs.

1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY TO GOVERNMENT HOUSING
AND URBAN DEVELOPMENT DEPT. FORT ST.GEORGE
CHENNAI 9.

2 THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA) NO.1 GANDHI IRWIN ROAD EGMORE
CHENNAI 8.

..RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, Calling for the records of the 2nd respondent in Memo No.E2/12974/07 dt 14.8.2007 and quash the same and consequently direct the 2nd respondent to include the petitioner in the panel to be prepared for promotion to the post of Deputy Planner and promote the petitioner to the post of Deputy Planner as per the amended service regulations passed in pursuance of power under regulation 2(4) in proceedings in Proc.No.RC.E1/16504/05 dt 27.10.1980 passed by the 2nd respondent amending G.O.ms.No.210 Housing and Urban Development dt 26.2.1980.

For Petitioner
in All WPs. : No appearance

For Respondents : Mr.K.Magesh
Special Government Pleader for R1
in All WPs.
Mr.Veena Suresh for R2
in All WPs.
Mr.V.Vijay Shankar for R3
in WP.No.29992 and 29994 of 2007

COMMON ORDER

There is no appearance on behalf of the petitioners on earlier several hearings. On 22.01.2021, as on that day, there is no representation for the petitioners in these matters, it was directed to be listed today under the caption 'for dismissal'. Accordingly, the cases are listed under the caption 'for dismissal'. However, today also, when the cases are called, there is no representation for the petitioners. Hence, these Writ Petitions are dismissed for default. No costs.

Sd/-
Assistant Registrar (C.S.III)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
No. 1, Gandhi Irwin Road,
Egmore, Chennai - 8.

+1cc to The Government Pleader SR.NO.6283

AKM/24.02.21/5P-4C/

W.P. Nos. 29992 to 29997 of 2007
04.02.2021