

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7476 of 2021

J.Srinivasan

... Petitioner

-vs-

1. The Principal Secretary,
Rep. by Government of Tamil Nadu,
Public Works Department,
Fort St. George,
Chennai - 600 009.

2. The Engineer in Chief
Water Resources Department,
Chief Engineer General (General)
Public Works Department,
Chepauk, Chennai - 600 005.

3. The Engineer-in-Chief (Buildings)
Chief Engineer (Buildings)
Chepauk, Chennai 600 005.

4. The Executive Engineer,
Public Works Department,
Ground Water Division WRT,
Tharamani, Chennai - 600 013.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner whereby the petitioner has exercised his option to be posted in the building organisation as per G.O.Ms.No.36, dated 11.02.2008 and accordingly direct the respondents herein to implement Government Order and bifurcate the Public Works Department into Buildings Organisation and Water Resources Organisation at the Junior Engineers Cadre and accordingly post the petitioner in the building organisation within a time frame to be fixed by this Court.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents: Mr.M.Loganathan,

Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents herein to consider the representation of the

petitioner whereby the petitioner has exercised his option to be posted in the building organisation as per G.O.Ms.No.36, dated 11.02.2008 and consequential direction to the respondents to implement Government Order and bifurcate the Public Works Department into Buildings Organisation and Water Resources Organisation at the Junior Engineers Cadre and accordingly post the petitioner in the building organisation.

2.Mr.M.Loganathan, learned Additional Government Pleader takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. According to the petitioner, the respondent ought to have implemented G.O.Ms.No.36, dated 11.02.2008 within a period of three years by bifurcating Public Works Department into Water Resources Organisation and building organisation and thereafter the petitioner to be transferred in building organisation by considering the option chosen by the petitioner. In this connection, the petitioner made representation dated 14.12.2020 to the 1st respondent. As there is no response on the representation, the petitioner is before this Court by filing the present Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioner dated 14.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated

14.12.2020 and this order, to the respondents forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Principal Secretary,
The Government of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai - 600 009.
2. The Engineer in Chief
Water Resources Department,
Chief Engineer General (General)
Public Works Department,
Chepauk, Chennai - 600 005.
3. The Engineer-in-Chief
(Buildings)
Chief Engineer (Buildings)
Chepauk, Chennai 600 005.
4. The Executive Engineer,
Public Works Department,
Ground Water Division WRT,
Tharamani, Chennai - 600 013.

+1cc to Mr.Dakshayani Reddy, Advocate, S.R.No. 19499

+1cc to the Government Pleader, S.R.No. 19158

W.P.No.7476 of 2021

PL(CO)

GN(17/06/2021)

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