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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20097 of 2021

and

W.M.P.Nos.21369 & 21370 of 2021

(Through Video Conferencing)

S.Munusamy

Vs

...Petitioner

1. The State of Tamil Nadu,
Rep by its Secretary,
Highways Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director General,
Highways Department,
Guindy, Chennai.
3. The Superintending Engineer,
Office of the Superintending Engineer (C&M),
Highways Department,
Teynampet, Chennai - 600 006.
4. The Divisional Engineer,
(Construction and Maintenance)
Highways Department, Uthiramerur Division,
Chengalpattu District.
5. The Assistant Divisional Engineer,
Highways Department, Uthiramerur Division,
Kancheepuram District.
6. The Secretary to Government of Tamilnadu,
Personnel and Administrative Reforms (M Department),
Chennai.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 5th respondent in Proc.Lr.No.95/2019/ENiVu dated 09.12.2019 on the file of the 5th respondent and quash the same and further directing the 4th and



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5th respondents to restore the services of the petitioner as Road Inspector Grade II from 09.12.2019 with continuity of Service and monetary benefits.

For Petitioner : Mr.M.Rajendiran for
Mr.R.Sagadevan

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The impugned order has been passed by reverting the petitioner to the post of Gang Mazdoor after the petitioner was promoted as a Road Inspector Grade II as per the proceedings of the 5th respondent on 26.06.2014.

2.It is the case of the petitioner, that the petitioner had completed his course through Madurai Kamaraj University and started working with the respondent as a Road Worker from 1985.

3.The learned counsel for the petitioner has relied on the interim orders passed by the Hon'ble Madurai Bench of this court in WMP(MD).No.6468 of 2019 in W.P.(MD).No.8232 of 2019 dated 05.04.2019 and WMP.(MD).No.7966 of 2019 in W.P.(MD).No.10338 of 2019 dated 26.04.2019.

4.The learned counsel for the respondent submits that the issue was considered by the Government in G.O.Ms.No.144 Personnel and Administrative Reforms (M) department dated 20.11.2017 pursuant to which the following decisions was taken by the Government which reads as under:-

6.As the recommendations of the Equivalence Committee confirms the clarification that the Pre-foundation Course and Foundation Course offered by various Universities in the State are not equivalent to SSLC and Higher Secondary Course (+2) respectively, Government emphasise to follow the clarification issued in the Government letter seventh read above scrupulously.

5.The learned counsel for the respondent further submits that a batch of writ petition came to be recently dismissed by the Hon'ble Madurai Bench of this Court in W.P.Nos.17965, 12590, 12591 and 12592 of 2018 dated 26.09.2018. He therefore submits that there is no merits in the present writ petition.



6.I have considered the arguments advanced by the petitioner and the respondents.

7.A reading of the impugned order seeking to revert the petitioner from the post of Road Inspector Grade II to Gang Mazdoor is based on G.O.Ms.No.144 Personnel and Administrative Reforms (M) department dated 20.11.2017. However, the impugned order has been passed without issuing any notice to the petitioner which adversely impact the service condition of the petitioner. Considering the same, the impugned order is liable to be quashed and the case back is remitted back to the 4th respondent. The 4th respondent shall pass appropriate orders within a period of three months from the date of receipt of a copy of this order. The impugned order which stands quashed by this order, shall be treated as a show cause notice issued to the petitioner. The petitioner may give appropriate reply, if any, within a period of 30 from the date of receipt of a copy of this order.

8.This writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Highways Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director General,
Highways Department,
Guindy, Chennai.
3. The Superintending Engineer,
Office of the Superintending Engineer (C&M),
Highways Department,
Teynampet,
Chennai - 600 006.



4. The Divisional Engineer,
(Construction and Maintenance)
Highways Department, Uthiramerur Division,
Chengalpattu District.

5. The Assistant Divisional Engineer,
Highways Department, Uthiramerur Division,
Kancheepuram District.

6. The Secretary to Government of Tamilnadu,
Personnel and Administrative Reforms (M Department),
Chennai.

+1cc to Mr.R.Sagadevan, Advocate, S.R.No.48111

+1cc to the Government Pleader, S.R.No.49046

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NSK 09/11/2021