



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.3351 of 2017

and

W.M.P (MD)No.2717 of 2017

WEB COPY

M.Sonai

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by the Principal Secretary,
Highways and Minor Ports (HM1) Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director General,
Highways Department,
Guindy, Chennai-600 025.

3.The Joint Director,
Highways Department,
Guindy, Chennai-600 025.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents No.2 and 3 from making promotions to the post of Junior Drafting Officer without completing the direct recruitment for appointment to the post of Junior Draughting Officer initiated vide the Advertisement No.12390/Nir 5(1)/2014 dated 26.10.2015.

For Petitioner : Mr.T.Lajapathi roy
For Respondents : Mr.M.Muthugeethayan
Special Government Pleader

O R D E R

This Writ Petition is filed for a direction to the second and third respondents from making promotions to the post of Junior Drafting Officer, without completing the direct recruitment for appointment to the post of Junior Draughting Officer initiated vide the Advertisement No.12390/Nir 5(1)/2014 dated 26.10.2015.

2.The case of the petitioner is that he was employed as the Technical Assistant Grade-II as the Non Muster roll Employee by the third respondent and initially, he was engaged for the period from November 2004 to February 2008. Thereafter, again the petitioner was engaged for the further period of four years and he was included in the list of NMRs, as recommended by the third respondent for regularization of service. However, for the last three years, the salary was paid through the contractor. Therefore, the petitioner



has made several representations for regularization of his service. Since the petitioner's service was not regularized, he has filed a Writ Petition in W.P(MD)No.10886 of 2009 before this Court. This Court, vide order dated 28.10.2009 disposed of the said writ petition with a direction to the first respondent therein to consider the petitioner's case for appointment to the post of Junior Drafting Officer in Highways Department. Thereafter, the petitioner approached the second respondent in person and received the impugned order dated 23.01.2012.

3.Further, the petitioner has averred that since this Court has granted the relief to the similarly placed persons challenging the similar rejection order, vide order dated 13.10.2015, in W.P(MD) Nos.7919 to 7922 of 2012, again the petitioner has set a representation on 20.02.2016 and the same is pending. In the meantime, the third respondent issued the advertisement dated 26.10.2015 calling for the applications for direct recruitment to the post of Junior Drafting Officer, but, the petitioner could not be able to apply, as there was age limit. Hence, the petitioner filed a Writ Petition in W.P(MD)No.2401 of 2015 before this Court. Pursuant to the interim order of this Court, the respondents allowed the petitioner to attend the interview scheduled on 05.02.2016. So far no progress in the recruitment process. Hence, the present writ petition is filed.

4.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representations dated 10.02.2017 in accordance with law.

5.Considering the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to consider the petitioner's representation, dated 10.02.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, if not disposed of already.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

1. The Government of Tamil Nadu,
Rep by the Principal Secretary,
Highways and Minor Ports (HM1) Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The Director General,
Highways Department,
Guindy, Chennai-600 025.

3. The Joint Director,
Highways Department,
Guindy, Chennai-600 025.

+1 CC to M/s. T. LAJAPATHI ROY, Advocate (SR-9898[F] dated 10/03/2021)

+1 CC to M/s. SPL GP (SR-10180[F] dated 10/03/2021)

W.P. (MD) No. 3351 of 2017
and

W.M.P (MD) No. 2717 of 2017
09.03.2021

NA (CO)
KB (23.03.2021) 3P 6C