



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2022

CORAM

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD) No.4437 of 2014
and
M.P. (MD) Nos.2 to 5 of 2014

- 1.A.Anbarasan
- 2.M.Mayakrishnan
- 3.M.Mathan
- 4.M.Ravi
- 5.M.Dhowlathkhan
- 6.S.Petchimuthu
- 7.S.Avudai Nayagam
- 8.C.Malarvizhi
- 9.M.Moorthy
- 10.T.Annie Rosaline
- 11.J.Solomon Suresh
- 12.M.Christo Joseph Antony
- 13.J.Senthilkumar
- 14.A.Prem Deva Anand
- 15.R.Murugesan
- 16.A.Subramania Pandian
- 17.P.Gopalakrishnan
- 18.J.R.Winston Lawrence
- 19.A.Sahaya Selvam
- 20.N.N.Dhamodaran
- 21.A.Vijaykumar
- 22.J.Nambirajan
- 23.J.Murugan
- 24.M.S.K.Sundaramoorthy
- 25.K.Govingaraju
- 26.S.Gunasekaran
- 27.N.Rathakrishnan
- 28.M.Ramachandran
- 29.A.H.Radhakrishnan
- 30.C.Subramani
- 31.J.Solomen Christhudoss
- 32.R.Shanmuga Sundaram
- 33.G.Umashankar
- 34.V.K.Karthikeyan
- 35.K.Sankar
- 36.N.Goventhana
- 37.D.Radhakrishnan
- 38.A.Pandian



39.P.Mokkamayan
40.P.Ravikumar
41.M.Chandran
42.V.Sandhanakumar
43.A.Sekaran
44.T.Kumar
45.A.Tamilselvan

... Petitioners

vs.

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Public Works Department,
Secretariat, Fort St.George,
Chennai- 600 009.
- 2.The Engineer-in -Chief (buildings),
Chief Engineer (Buildings),
Chennai Region and Chief Engineer (General),
Public Works Department, Chepauk,
Chennai-600 005.
- 3.The Engineer-in-Chief,
Water Resource Department,
Chepauk, Chennai-600 005.
- 4.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai- 600 003.
- 5.V.Senthil Kumar
- 6.V.C..Prabakar
- 7.S.Velanantharaj
- 8.K.Kamaldheen
- 9.M.Ramakrishnan
- 10.R.Padmanabhan
- 11.M.C.Murugesan
- 12.A.Ayyavu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st Respondent in G.O.(2D) No.8, Public Works (A2) Department, dated 07.02.2014 and to quash the same and consequently to direct the respondents to fill up the vacancies in the posts of Assistant Executive Engineers strictly in accordance with the Tamil Nadu Engineering Special Service Rules and strictly in accordance with the option exercised by the Engineering personnel to work in the Water Resources Department and accordingly consider the petitioners for promotion to the said post.



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For Petitioner : Mr.N.Dilip Kumar

For R1 to R3 : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.J.K.Jayaselan
Government Advocate (Civil side)

For R4 : Mr.J.Anandkumar

For R5 and R10 : Mr.S.Xavier Rajini

For R6 to R9 and R12: No appearance

For R11 : Mr.A.Balamurugan

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st Respondent in G.O.(2D) No.8, Public Works (A2) Department, dated 07.02.2014 and to quash the same and consequently to direct the respondents to fill up the vacancies in the posts of Assistant Executive Engineers strictly in accordance with the Tamil Nadu Engineering Special Service Rules and strictly in accordance with the option exercised by the Engineering personnel to work in the Water Resources Department and accordingly consider the petitioners for promotion to the said post.

2.When the Writ Petition was taken up for hearing, the learned Counsel appearing for the petitioners submitted that the first petitioner, namely Anbarasan, was not inclined to adjudicate this issue.

3.On perusing the materials placed on record, it is seen that the PW Department was bifurcated into PWD (Buildings) and Water Resources Department. However, the promotion was granted by taking the Officers working in PWD(Buildings) as well as Water Resources Department. This created confusion among the employees. Now, the Government has issued G.O.Ms.No.158, Public Works(D2) Department, dated 01.11.2021. There is a reference to G.O.Ms.No.100, Public Works (D2)Department, dated 23.06.2021. As per these two G.O.s, the guidelines have been issued for vertical separation of the department in two, ie., Public Works Department (Buildings) and Water Resource Department. The earliest G.O. was passed in G.O.Ms.No.217, Public Works (D2) Department, dated 08.11.2006 and G.O.Ms.No.36, Public Works (D2) Department, dated 11.02.2008. Based on these two G.O.s, the department was bifurcated.

4.Therefore, the respondents are directed to implement G.O.Ms.No.217, G.O.Ms.No.36, G.O.Ms.No.100 and G.O.Ms.No.158 in letter and spirit. The impugned G.O.(2D).No.8, dated 07.02.2014, in this Writ Petition is set aside.



5. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl. Side)

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Sub Assistant Registrar

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.

To

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

2. The Engineer-in -Chief (buildings),
Chief Engineer (Buildings),
Chennai Region and Chief Engineer (General),
Public Works Department, Chepauk,
Chennai-600 005.

3. The Engineer-in-Chief,
Water Resource Department,
Chepauk, Chennai-600 005.

+1 CC to M/s. ISAAC CHAMBERS, Advocate (SR-4286[F] dated 04/02/2022)

+1 CC to M/s. S. BALAMURUGAN, Advocate (SR-4256[F] dated 04/02/2022)

+1 CC to M/s. N. DILIPKUMAR, Advocate (SR-4368[F] dated 04/02/2022)

+1 CC to M/s. J. ANANDKUMAR, Advocate (SR-4420[F] dated 07/02/2022)

+1 CC to M/s. SPL.GP (SR-4562[F] dated 07/02/2022)

W.P. (MD) No. 4437 of 2014
03.02.2022

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