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WP.No.6941/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.6941/2017 & WMP.No.7530/2017

Su.Gangaatharan

... Petitioner

Versus

1.Government of Tamil Nadu rep.by
Secretary to Government
Public Works Department
Secretariat, Chennai 600 009.

2.The Principal Chief Engineer, WRO &
The Chief Engineer [General],
Public Works Department
Chepauk, Chennai 600 005.

3.The Superintendent Engineer
Public Works Department
Technical Education Circle
Guindy, Chennai 600 025.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records on the file of the 2nd respondent in his letter No.C1[3]/08141/2016 dated 31.01.2017 and quash the same and to direct



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the 2nd respondent herein to include the name of the petitioner in the appropriate place in the approved panel of Assistant Executive Engineer for the year 2005-2006 and to grant the petitioner all consequential benefits in pursuance of the directions rendered by this Court in order dated 07.02.2007 in WP[MD].Nos.9006/2005 & 24753/2006 and to consequently direct the 1st respondent herein and to include the name of the petitioner in the appropriate place in the ensuing panel for promotion to the post of Executive Engineer for the year 2016-2017 with all consequential benefits.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.S.Ravikumar, Spl.GP

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus, seeking records on the file of the 2nd respondent, Principal Chief Engineer, WRO and the Chief Engineer [General], Public Works Department, Chennai, in Letter No.C1[3]/08141/216 dated 31.01.2017 and to quash the same and to direct the said respondent to include the name of the petitioner in the appropriate place in the approved panel of Assistant Executive Engineer for the year 2005-06 and grant all consequential benefits and also to direct the respondents



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to include the name of the petitioner in the appropriate panel for promotion to the post of Executive Engineer for the year 2016-17 together with consequential benefits.

- (2) The petitioner, Su.Gangadharan was also known as S.Duraisingh Gangatharan. He is working as Assistant Executive Engineer [Civil], Public Works Department. There were disciplinary proceedings pending against him consequent to a charge memo issued on 28.10.1999 and 15.12.2004 issued by the 2nd respondent. He had then filed WP.No.9006/2005 challenging the validity of the disciplinary proceedings and also WP.No.24753/2006 seeking a direction against the 2nd respondent to include his name in the panel for prootion as Assistant Executive Engineer for the year 2005-2006. It had been stated that a classified list was published by the Engineer-in-Chief [Buildings] and the Chief Engineer [General] for Assistant Executive Engineer - March 2014 on 05.04.2014. The petitioner found that the name of a junior Mr.S.Manoharan had been placed above him. He claimed that Mr.S.Manoharan should be considered as his junior and the petitioner's name should be just below Mr.S.Paul



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Pandian. This claim was on the basis of the seniority in the cadre of Assistant Engineer 1985-1986 fixed by the Tamil Nadu Public Service Commission. Complaining this particular aspect, the present writ petition has been filed.

- (3) Learned Special Government Pleader appearing for the respondents however, forwarded a copy of G.O.[D].No.372, Public Works [A1] Department, dated 16.10.2017, of which the petitioner should certainly be aware since it is with the specific reference to the petitioner herein. After explaining the entire background facts and also about the issue of seniority, it had been finally ordered as follows:-

"10.The Government accordingly direct that the name of Thiru.Su.Gangadharan [earlier known as S.Duraisingh Gangatharan] formerly Assistant Engineer [Civil] [now Assistant Executive Engineer] be included in the regular panel of Assistant Engineer [Civil]/Junior Engineer [Civil] fit for promotion/appointment by recruitment by transfer as Assistant Executive Engineer [Civil] for the year 2004-2005 at S.No.62A before Thiru.S.Paul Pandian



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[Sl.No.62], Assistant Engineer and above Thiru S.Manoharan [Sl.No.63], Assistant Engineer approved in the Government Order third read above and to assign Sl.No.83A below Thiru S.Paul Pandian [Sl.No.83] and above Thiru S.Manoharan [Sl.No.84] in the combined seniority list approved in the Government Order fourth read above by relaxing Rule 2[c][ii] of the Special Rules for Tamil Nadu Engineering Service and that his pay in the post of Assistant Executive Engineer be fixed as per ruling 17 under Fundamental Rule 27 subject to outcome of WASR.No.50586 of 2007.

11. Consequent to the inclusion of his name in the panel for the post of Assistant Executive Engineer [Civil] for the year 2004-2005 ordered above, the Government direct that the name of Thiru.Su.Gangadharan [earlier known as S.Duraisingh Gangatharan] formerly Assistant Engineer [Civil] [now Assistant Executive Engineer [Civil], Public Works Department be deleted from the temporary list of Assistant Engineer [Civil] / Junior Engineers [Civil] fit for promotion/appointment by recruitment by transfer for the post of Assistant Executive Engineer [Civil] for the year 2005-2006 approved in



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G.O.[Ms].No.357, Public Works [A1] Department,
dated 26.11.2007."

- (4) The learned Special Government Pleader also forwarded a copy of G.O.[D].No.373, Public Works [A1] Department, dated 16.10.2017, again with respect to the petitioner herein and there is a reference to G.O.[D] No.372, Public Works [A1] Department, dated 16.10.2017 extracted above and this was a consequential Government Order in G.O.[D] No.373. It had been ordered as follows:-

"4.The Government accordingly direct that the name of Thiru.Su.Gangadharan [earlier known as S.Duraisingh Gangatharan], Assistant Executive Engineer [Civil] be included in the temporary list of Assistant Executive Engineers [Civil] fit for promotion as Executive Engineers [Civil] for the year 2016-2017 approved in the Government Order first read above at Sl.No.27[A] below the name of Thiru.S.Paul Pandian [Sl.No.27] and above the name of Thiru.S.manoharan [Sl.No.28] subject to the outcome of WA.SR.No.50586/2007 on the file of the Hon'ble High Court of Madras."

- (5) The learned Special Government Pleader further stated that the writ



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appeal mentioned above, has also been dismissed. It is evident that the petitioner's grievances have been addressed and his seniority has been fixed above Mr.S.Manoharan and just below Mr.S.Paul Pandian which was the relief he had sought in the present writ petition. His name has also been directed to be considered for promotion as Executive Engineer [Civil] for the year 2016-2017.

- (6) Since all the issues have been addressed by the Government pending writ petition, no further issue arises for consideration. The writ petition, therefore, stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes

To



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C.V.KARTHIKEYAN, J.,

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