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W.P.(MD)NO.5857 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5857 of 2023

Tamil Nadu Pothupanithurai Matrum Neervalathurai
Kankanipalargal Sangam,
Rep. by its President,
P.Kannan, S/o.V.Pandi,
Having office at PWD and WRD Office Campus,
Tallakulam,
Madurai – 625 002.

... Petitioner

Vs.

1. The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai – 600 009.
2. The Additional Chief Secretary to Government,
Water Resource Department, Chennai – 600 009.
3. The Engineer in Chief and Chief Engineer(General),
Water Resource Department,
Chepauk, Chepauk – 600 005.
4. The Engineer in Chief and Chief Engineer(General),
Public Works Department,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to



upgrade the posts of Superintendent in Public Works Division as Junior Administrative Officer by implementing the order passed by the 3rd respondent in letter No.C1(3)/4620/2018 dated 05.06.2020 and letter No.C1(3)/4620/2018 dated 29.08.2020 and consequently post the eligible members of the petitioners Association as Junior Administrative Officer by considering the representation of the petitioner association dated 13.08.2022 and 15.09.2022 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is a registered society. Even though the learned Special Government Pleader raised preliminary objection as regards the maintainability of the writ petition filed by the association, I am of the view that the petitioner need not be non-suited on that ground. All that the petitioner seeks is the third respondent must comply with the directive set out in the letter dated 18.05.2022 sent by the second respondent. The said directive reads as follows:-

“I am directed to refer to the proposal received in your letter cited and to request you to send necessary fresh proposal with concurrence of the Engineer-in-



Chief, Chief Engineer(General) and Chief Engineer, Chennai Region, Public Works Department, Chennai-5 for consideration of the Government, as decided in the meeting held on 12.01.2022 by the Additional Chief Secretary to Government, Water Resources Department and the Additional Chief Secretary to Government, Public Works Department.”

4. No exception can be taken to the said request. Of course the learned Special Government Pleader submitted that the post of Divisional Accountant comes under the control of the office of the Accountant General, Chennai whereas the post of Superintendent alone would come under the Public Works Department. It appears that the other departments had expressed misgivings. Therefore, the third respondent may have some difficulty in accepting the petitioner's request. The third respondent may communicate the same to the second respondent. This shall be done within a period of eight weeks from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs.

23.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



WEB COPY **To:**

1. The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai – 600 009.
2. The Additional Chief Secretary to Government,
Water Resource Department,
Chennai – 600 009.
3. The Engineer in Chief and Chief Engineer(General),
Water Resource Department,
Chepauk, Chepauk – 600 005.
4. The Engineer in Chief and Chief Engineer(General),
Public Works Department,
Chepauk, Chennai – 600 005.



WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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