



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Civil Appellate Jurisdiction

Thursday, the Tenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022  
and

WMP(MD). No.15815 of 2023 in WP(MD) No.4287 OF 2022  
and

WMP(MD). No.15816 of 2023 in WP(MD) No.21380 OF 2022

1. Rajkumar .S

Executive Engineer PWD  
S/o.A. Sambandam,  
No. 48/63, Srinivasa Perumal Sannathi,  
1st Street, Royapettah,  
Chennai 600 014

2. Kumar .S Executive Engineer PWD,  
S/o. P. Shanmugam, No. 1/498A, Anna Nagar,  
Vadasanthur, B.Thurinipatti Post,  
Papereddipatti Taluk,  
Dharmapuri District- 635 301.

3. Selvakumar .K Executive Engineer WRD,  
S/o. K. Kaliaperumal,  
D7, Halls Tower,  
33/56, Halls Road, Egmore. ... Petitioners in WMP(MD). 15551/ 2023

1. Alagirisamy K Executive Engineer PWD,  
S/o.Krishnasamy,  
3/150, Water Tank Street, Villiseri,  
Kovilpatti Taluk, Thoothukudi District

<https://www.mhca.jud.go.in/judis>



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

2. Devaraj.T Executive Engineer, PWD,  
S/o.P.Thangavelu,  
No.3/191, Nainar Kuppam Road, Uthandi,  
Chennai-600 119

3. Sankar.V Executive Engineer, PWD,  
S/o.V.Velayutham,  
Plot No.33, Sivaprakasam Nagar,  
Karanthai, Thanjavur-613 002

... Petitioners in WMP(MD). 15815/ 2023 and WMP(MD) No.15816 of 2023

- Vs. -

1. Nithiyanathan .A S/o.R. Appavoo,  
836/4 A, Anna Nagar ,  
EB Colony ,  
North Gandhigramam,  
Pasupathipalayam Post,  
Karur District - 639004.

2. The Government of Tamil Nadu through its Additional Chief Secretary,  
Public Works Department , Secretariat,  
Chennai-600 009.

3. The Government of Tamilnadu Through its Additional Chief Secretary ,  
Water Resources Department , Secretariat, Chennai.

4. The Engineer -In - Chief ( Buildings ),  
Public Works Department , Secretariat , Chennai -5.

5. The Engineer - in - Chief Water Resources Department ,  
Chennai -5.

... Respondents in WMP(MD). 15551/ 2023



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

1. Kuruthivel Maran. T S/o.Thirunagu,  
3/406, Devendra Nagar,  
Ramanathapuram
2. The Government of Tamilnadu Through its Addl. Chief Secretary,  
Public Works Department,  
Secretariat, Chennai-600 009
3. The Government of Tamil Nadu Through its Addl. Chief Secretary,  
Water Resources Department,  
Secretariat, Chennai-600 009
4. The Engineer-In-Chief (Buildings), Public Works Department,  
Secretariat, Chennai-600 005
5. The Engineer-In-Chief Water Resources Department,  
Chennai-600 005

... Respondent(s) in WMP(MD). 15815/ 2023

1. Kuruthivel Maran. T S/o.Thirunagu,  
3/406, Devendra Nagar,  
Ramanathapuram
2. The Government of Tamilnadu Through its Principal Secretary,  
Public Works Department,  
Secretariat, Chennai-600 009
3. The Government of Tamil Nadu Through its Secretary,  
Human Resources Management Department,  
Secretariat, Chennai-600 009
4. The Engineer-In-Chief (Buildings), Public Works Department,  
Secretariat, Chennai-600 005

5. Muruganantham.R S/o.Not Known,  
Assistant Executive Engineer,  
Technical Education Sub-Division,  
Govt. College of Engineering Campus,  
Salem

... Respondent(s) in WMP(MD). 15816/ 2023



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

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Prayer in WMP (MD) No.15551 of 2023

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to recall the order of this Honble Court dated 19.06.2023 passed in WP(MD). No. 4288 of 2022 and thus render justice.

Prayer in WP(MD). 4288 of 2022 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned G.O.s.in G.O.(3D) No.29 and consequent G.O.(3D) No.30 both dated 20.10.2021 on the file of the 1st Respondnet and quash the same and further directing the Respondents to prepare the year wise Panel by taking into consideration of the reservation for the SC/ST communities in the promotional post of Assistant Executive Engineer.

Prayer in WMP (MD) No.15815 of 2023

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to recall the order of this Honble Court dated 19.06.2023 passed in WP(MD). No. 4287 of 2022 and thus render justice.

Prayer in WP(MD). 4287 of 2022 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any order or direction in the nature of a writ , to call for the records of the impugned G.O.s.in G.O.(3D) No.31



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

and consequent G.O.(3D) No.32 both dated 20.10.2021 on the file of the 1st Respondent and quash the same and further directing the Respondents to prepare the year wise Panel by taking into consideration of the reservation for the SC/ST communities in the promotional post of Assistant Executive Engineer.

Prayer in WMP (MD) No.15816 of 2023

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to recall the order of this Honble Court dated 19.06.2023 passed in WP(MD). No.21380 of 2022 and thus render justice.

Prayer in WP(MD). 21380 of 2022 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned G.O.(2D) No.23 Public Works (A1) Department dated 30/08/22 on the file of the 1st respondent and quash the same and further directing the respondents 1 to 3 to prepare the year wise Panel by taking into consideration of the reservation for the SC/ST communities in the promotional post of Assistant Executive Engineer.

ORDER:- These Writ Miscellaneous petitions filed coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. N.Subramanian, Advocate for the Petitioners and of Thiru.G.Prabhu Rajadurai Advocate for first respondent and Mr.N.Sathishkumar, Additional Government Pleader appearing for the respondent



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

Nos.2 to 5, this Court made the following order:

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W.P.(MD)Nos.4287 and 4288 of 2022 were filed questioning the seniority list drawn in respect of the posts of Assistant Engineer and Assistant Executive Engineer in Public Works Department. In W.P.(MD)No.21380 of 2022, the promotion panel for the post of Assistant Executive Engineer in Public Works Department was under challenge. All these writ petitions were taken up together on 19.06.2023. After hearing the learned counsel for the writ petitioners and the learned Additional Government Pleader, I allowed the writ petitions calling upon the department to re-draw the seniority list as well as the promotion panel in the light of the order dated 18.04.2023 passed by the Hon'ble Apex Court in Contempt Petition (Civil) Diary No.6415 of 2021. This order is sought to be recalled by the petitioners in W.M.P.(MD)Nos.15551, 15815 and 15816 of 2023.

2.It is not in dispute that the petitioners in the recall petitions had earlier moved this Court as well as the Hon'ble Apex Court and had been hotly contesting the issue of seniority vis-a-vis the writ petitioners herein. I am therefore of the view that I could not have allowed the present writ petitions behind the back of the petitioners in the recall petitions. On this sole ground, the order passed by me



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

stands recalled.

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3.I would have taken up the writ petitions on merits and given a disposal after hearing the learned counsel for the recall petitioners, but for the fact that I am not presently holding the roster. It is also brought to my notice that on the same subject W.P.(MD)No.17614 of 2023 has been filed and it is scheduled for hearing on 16.08.2023 before the learned Judge holding the roster. The order dated 19.06.2023 is recalled and the recall petitions are allowed and W.P.(MD)Nos.4287, 4288 and 21380 of 2022 are restored to file and they shall be posted along with W.P.(MD) No.17614 of 2023 on 16.08.2023 by the Registry.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

14/08/2023

Sub Assistant Registrar(CS)

IAS



WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

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- To
1. The Government of Tamil Nadu  
Through its Additional Chief Secretary  
Public Works (A1) Department Secretariat  
Chennai.
  2. The Government of Tamilnadu  
Through its Additional Chief Secretary  
Water Resources Department Secretariat, Chennai.
  3. The Engineer -In - Chief Buildings)  
Public Works Department  
Secretariat Chennai -5.
  4. The Engineer - in - Chief  
Water Resources Department Chennai -5.
  5. The Special Govt. Pleader,  
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,  
Writ Section,  
Madurai Bench of Madras High Court, Madurai  
(To entry in the computer for restoring the Writ Petition and Posting the case  
on 16.08.2023)



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WMP(MD). No.15551 of 2023 in WP(MD) No.4288 OF 2022

ORDER DATED : 10/08/2023

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ORDER

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WMP(MD). No.15551 of 2023 in  
WP(MD) No.4288 OF 2022

and

WMP(MD). No.15815 of 2023 in  
WP(MD) No.4287 OF 2022  
and WMP(MD). No.15816 of 2023 in  
WP(MD) No.21380 OF 2022

Giving direction and etc.  
as stated within.

RD(14/08/2023) 9P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.