



W.P.Nos.21569 and 21574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.21569 and 21574 of 2024

and

W.M.P. Nos. 23535 and 23537 of 2024

W.P. No. 21569 of 2024

P.Vadivel

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Fort. St. George,
Chennai – 600 009.

2. The Engineer-in-Chief & Chief Engineer (General),
Water Resources Department,
Chepuak,
Chennai – 600 005.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue the posting order to the petitioner to post of Executive Engineer in Water Resource Department in pursuance of the G.O. (2D) No. 6, Water Resources (A2) Department dated 10.02.2024, and consequently direct the first



W.P.Nos.21569 and 21574 of 2024

respondent to consider the period from 07.03.2024 as a duty period and give all the service and monetary benefits towards the same by considering the petitioner's representation made on 07.03.2024.

W.P. No. 21574 of 2024

S.Bhavani

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Fort. St. George,
Chennai – 600 009.

2. The Engineer-in-Chief & Chief Engineer (General),
Water Resources Department,
Chepuak,
Chennai – 600 005.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue the posting order in the post of Executive Engineer in Water Resource Department in pursuance of the G.O. (2D) No. 6, Water Resources (A2) Department dated 10.02.2024, and consequently direct the first respondent to consider the period from 01.03.2024 as a duty period and give all the service and monetary benefits towards the same by considering the petitioner's representation made on 07.03.2024.



W.P.Nos.21569 and 21574 of 2024

For Petitioner in
W.P. No.21569 of 2024 : Mr. R.Prathpkumar

For Petitioner in
W.P. No. 21574 of 2024 : Mr. Naveen Kumar Murthy
for Mr. G.V.Mohan Kumar

For Respondents
in both W.Ps : Mr. Yogesh Kannadasan,
Special Government Pleader

COMMON ORDER

With the consent of both sides, these Writ Petitions have been taken up for disposal at the admission stage itself.

2. These Writ Petitions have been filed to direct the first respondent to issue a posting order for the post of Executive Engineer in the Water Resources Department, pursuant to G.O. (2D) No. 6, Water Resources (A2) Department, dated 10.02.2024.

3. The petitioners joined the Public Works Department as Assistant Engineers on 14.06.2000 and 07.06.2000, respectively. Subsequently, they were appointed as Assistant Executive Engineers and retained in the Water Resource Department due to the bifurcation of the Public Works Department. The petitioners' next promotion as Executive Engineers. As per



W.P.Nos.21569 and 21574 of 2024

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G.O. (2D) No. 6, Water Resources (A2) Department, dated 10.02.2024, the petitioners and others were promoted to the post of Executive Engineers in the Water Resource Department. Accordingly, the petitioners were relieved from duty on 23.02.2024 and 01.03.2024, approached the concerned Departments, and reported for joining duty.

3.1. However, they were not permitted to join since other persons had been appointed to the said post. Therefore, the petitioners submitted representations dated 07.03.2024 and 15.03.2024. Upon receipt of the said representations, the second respondent, by communication dated 27.03.2024, forwarded the same to the first respondent, stating that a *status quo* had been ordered by the Hon'ble Division Bench of this Court on 28.02.2024 in W.A. No. 627 of 2024. Further, the promotion of the petitioners had already been given effect, and the second respondent also requested the first respondent to post the petitioners to the post of Executive Engineers in the existing vacancy. However, it has been kept pending till today without posting the petitioners to the post of Executive Engineers.

4. It is also clarified that the order of *status quo* ordered by the Division Bench of this Court pertains to the fixing of seniority between the



W.P.Nos.21569 and 21574 of 2024

cadres of the Public Works Department and Water Resource Department.

However, the petitioners were promoted to the post of Executive Engineers even before the interim order was passed by the Division Bench of this Court. Further, the petitioners were promoted from the post of Assistant Executive Engineers to the post of Executive Engineers within the same Department, viz., the Water Resource Department. Therefore, the order of *status quo* has nothing to do with the promotion of the petitioners to the post of Executive Engineers.

5. In view of the above, the first respondent is directed to issue posting order for the post of Executive Engineers in the Water Resource Department, pursuant to the said G.O. (2D) No. 6, Water Resources (A2) Department dated 10.02.2024, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the petitioners are entitled to salary in the post of Assistant Executive Engineers in the Water Resource Department.

6. In the result, these Writ Petitions are allowed to the extent indicated above. Consequently, the connected Miscellaneous Petitions are



W.P.Nos.21569 and 21574 of 2024

allowed. No costs.

WEB COPY

31.07.2024

Index: Yes/No

Neutral Citation: Yes/No

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To

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Fort. St. George,
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2. The Engineer-in-Chief & Chief Engineer (General),
Water Resources Department,
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W.P.Nos.21569 and 21574 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.Nos.21569 and 21574 of 2024

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