



W.P.No.10064 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 30.01.2024

CORAM:

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No.10064 of 2017

and

W.M.P.Nos.11055 & 11056 of 2017

- 1.Karthikeyan
- 2.D.Jagadeeswari
- 3.N.Paarvatheesware
- 4.G.Sathish
- 5.T.Mythili
- 6.E.Julie Hepzibah
- 7.K.Uma
- 8.M.J.Deepa
- 9.E.Naveen Kumar
- 10.A.Suganthi
- 11.Theodar Livingston
- 12.G.Gayathri
- 13.K.Muthukumaran
- 14.R.Sripriya
- 15.V.R.Priadarsini
- 16.Syed Niazuddin
- 17.Maria Rajasekar.S
- 18.S.Saravanan
- 19.D.Krishnan
- 20.N.Senthil Kumar
- 21.M.S.Arumugam
- 22.G.Bhaskar
- 23.P.Muthu Bharathi
- 24.C.Prakash



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25.Ravikumar.J
26.A.M.Raja Amritha
27.Humayun Kavur
28.N.Velmurugan
29.M.Sudhakar
30.K.Satish

...Petitioners

VS.

- 1.The Principal Secretary,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu.
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
- 3.The Deputy Commissioner (Works),
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
- 4.The Assistant Commissioner,
General Administration & Personnel,
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
- 5.The Superintendent Engineer (Electrical),
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
- 6.S.C.Dinesh Prakash



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7.M.Suresh

... Respondents

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PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O.Ms.No.96 dated 29.07.2016 published in Gazette dated 17.08.2016 of the 1st respondent and quash the same and consequently direct the respondents 2 to 5 to fix degree in Electrical as qualification for the post of Assistant Divisional Engineer (Electrical) in the 2nd respondent Corporation.

For Petitioners	:	No appearance
For R1	:	Mr.C.Sangamithirai Special Government Pleader
For RR2 to 5 & 7	:	Mr.G.T.Subramanian Standing Counsel (Chennai Corporation)
For R6	:	Ms.B.Surujana

ORDER

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of G.O.Ms.No.96 dated 29.07.2016 published in Gazette dated 17.08.2016 of the 1st respondent and quash the same and consequently direct the respondents 2 to 5 to fix degree in Electrical as qualification for the post of Assistant Divisional Engineer (Electrical) in the 2nd respondent Corporation.



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2. There is no representation for the petitioners.

3. The learned counsel appearing for the respondents contends that the issue involved in this Writ Petition is already decided by this Court by order dated 17.08.2017 in W.P.No.29759 of 2016 by upholding the G.O.(Ms).No.96, dated 29.07.2016. The learned counsel has placed a copy of the said order before this Court.

4. Having heard the submissions of the learned counsel appearing on behalf of the respondents and on careful perusal of the order of this Court in W.P.No.29759 of 2016 placed before this Court.

5. It appears that this Court has given a finding that there is no illegality in the Government Order in G.O.(Ms).No.96, dated 29.07.2016 and dismissed the said Writ Petition. The paragraphs 9 and 10 of the said order of this Court is observed and the same is extracted hereunder:-

“9. Therefore, the submission of the learned counsel for the writ petitioner that the impugned G.O is in violation of the Division Bench



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judgment, is baseless. In fact, the impugned G.O is in strict compliance with the letter and spirit of the judgment. The said GO has been passed by the Government, after fully satisfied with the proposal of the second respondent along with the justification for the said amendment. The writ petition could not point any illegality or attribute any malafide to the action of the respondents. His attack on the impugned GO on the ground that it is in violation of the earlier Division Bench judgment and bad for giving retrospective effect, is unsustainable.

10. The respondents herein through their counter and submission has satisfactorily demonstrated before this Court, as recorded above, that the impugned GO is not in violation of the Court order and the said amendment is to bring uniformity among similarly placed persons in other Departments and also in the other wings of the same Department. The impugned G.O.(Ms)No.96 of the first respondent is self explanatory. The reason for giving retrospective effect is to only protect the service condition of Diploma Holders, who were appointed earlier to the writ petitioners and it will



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no way prejudice the writ petitioner.”

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6. By following the said order, in our view, it is appropriate to dismiss this Writ Petition. Accordingly, this Writ Petition is dismissed

7. There shall be no order as to costs.

8. Consequently, connected miscellaneous petition are also closed.

30.01.2024

gba
Index : Yes/No
Speaking order : Yes/No



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To

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Government of Tamil Nadu.
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
3. The Deputy Commissioner (Works),
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
4. The Assistant Commissioner,
General Administration & Personnel,
Greater Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
5. The Superintendent Engineer (Electrical),
Greater Corporation of Chennai,
Ripon Buildings,
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BATTU DEVANAND, J.

GBA

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