



W.P.(MD).No.21392 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21392 of 2024

J.Sangili

... Petitioner

-VS-

1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway,
Chennai-600 003.

2.The Director,
Directorate of Rural Development &
Panchayat Raj Department,
Panagal Building,
Chennai-600 015.

3.The Director General,
Highways Department,
Integrated Chief Engineers Office,
HRS Campus,
76, Sardar Patel Road,
Guindy,
Chennai-600 025.

4.The District Collector,
Office of the District Collector,
Sivagangai District.

.... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to immediately issue a No Objection Certificate to the petitioner on the basis of order passed by this Court on 06.10.2016 in W.P(MD)No.7706 of 2012 and act of the second respondent is wantonly not issuing the No Objection Certificate to the petitioner which comes under the Principle of Delayed Justice is a denied justice and thereby directing the 1st and 3rd respondents to appoint the petitioner as per the revised seniority list proceedings in No. 47/Nir.2(2)/2023 dated 07.07.2023 within the time that may be stipulated by this Court.

For Petitioner : Mr.Ramesh Mahadev
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The instant writ petition has been filed by an Assistant Engineer working in Rural Development & Panchayat Raj Department seeking a Mandamus to direct the second respondent to issue No Objection Certificate to the petitioner, on the basis of the orders passed by this Court in W.P(MD)No.7706 of 2012 dated 06.10.2016.

2.A perusal of the typed set of papers indicate that the petitioner was originally appointed as an Assistant Engineer on 11.07.2009 in Ilayangudi



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Panchayat Union, Sivagangai District. While he was in service, he was selected in the Combined Engineering Services Examination conducted by TNPSC. The petitioner was called to attend the interview and he was selected. However, since No Objection Certificate was not produced from his parent department, appointment orders were not issued.

3. When the petitioner approached the second respondent for seeking No Objection Certificate, it was pointed out that the departmental proceedings are pending as against him and only after the completion of the departmental proceedings, the request of the petitioner could be considered.

4. Under G.O.Ms.No.178, Rural Development and Panchayat Raj Department, dated 10.06.2024, the departmental proceedings initiated as against the writ petitioner were cancelled.

5. The writ petitioner has filed the present writ petition seeking a Mandamus for issuance of No Objection Certificate from the second respondent in view of the cancellation of the departmental proceedings. When the writ petition came up for admission on 09.09.2024, this Court has



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directed the Government Advocate to get instructions as to whether No Objection Certificate could be issued in view of the cancellation of the departmental proceedings, the matter was adjourned to 24.09.2024. At request of the respondents, the matter was adjourned from 24.09.2024 to 16.10.2024. Even as on today, the respondent authorities have neither issued any No Objection Certificate to the writ petitioner nor given any written instructions to the learned Government Advocate.

6.Considering the fact that the second respondent has already cancelled the departmental proceedings initiated as against the petitioner vide proceedings dated 10.06.2024, as on today there is no legal impediment for issuance of No Objection Certificate. Despite several opportunities granted to the second respondent herein, there is no response. Therefore, this Court is inclined to allow the writ petition on the following terms:

(i)The second respondent is directed to issue No Objection Certificate to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



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(ii) In case, if there is any delay on the part of the second respondent, it is made clear that a cost of Rs.50,000/- will be imposed upon the second respondent.

(iii) On receipt of such No Objection Certificate, the first and third respondents are directed to consider the said No Objection Certificate and proceed further and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

(iv) Post for compliance on 20.11.2024.

(v) No costs.

16.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 17.10.2024

To

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Tamil Nadu Public Service Commission,
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Chennai-600 003.
2. The Director,
Directorate of Rural Development &
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