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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.654 of 2007

Tamil Nadu Rural development
Engineers' Association, rep. by
Its General Secretary P.Ravikumar
(Regn.No.136/2003), 80, Lawrence Road,
Cuddalore 2, Cuddalore District. ... Petitioner

Vs.

1.State of Tamil Nadu, rep. by
its Secretary to Government,
Rural Development and
Panchayat Raj Department,
Secretariat, Chennai-9.

2.Director of Rural Development
and Panchayat Raj,
Panagal Building,
Saidapet, Chennai – 15.

3.A.Varadharaja Perumal

4.N.Pasupathu

5.K.Josephine Niramala

6.R.Chandrasekar

7.M.Sivanath

8.K.Viswanathan

9.R.Kanimozhi

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10.R.Nagaiyan

11.M.Indumathi

12.S.Mageswari

13.A.Hasan Ibrahim

14.K.Rajarajan

15.S.Sadaiappan

16.G.Anuradha

17.P.Mohanasundaram

18.S.Sankarajothi

19.S.Srinivasan

20.N.Arul Selvi

21.P.Ramakrishnan

22.R.Parthiba

23.A.G.Sethuraman

24.M.Senthil Kumar

25.P.Madhu

26.M.Kavitha

27.A.Sujatha

28.K.Prabakar

29.A.Sundaresan

30.M.Premkumar

31.R.Arun

32.V.Selvaraju

33.V.Venkatesan

34.N.Kumar

35.T.Sujatha

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36.T.Malarvizhi ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of certiorari, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings Roc.No.46078/2006 EE1 dated 28.12.2006 and quash the same.

For Petitioners : Ms.Aishwarya S.Nathan
for M/s.Srinath Sridevan

For R1 & R2 : Mr.K.H.Ravikumar
Government Advocate.

O R D E R

This writ petition has been filed by the petitioner Association challenging the proceedings dated 28.12.2006 issued by the 2nd respondent promoting the respondent Nos.3 to 36 to the post of Assistant Executive Engineers from the post of Assistant Engineers consequent upon the panel finalised by the 1st respondent through G.O.(1D).No.750, RD & PR (E3) Department, dated 21.12.2006.

2. At the first instance, this writ petition cannot be entertained at the instance of the petitioner Association, as the Association cannot be said to be a person directly affected party by virtue of the impugned order. This aspect of the matter is no more *res integra* and in Writ Appeal No.688 of 2005 by an order dated 07.04.2005 held as under:

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"14.In our view, the appellant in this case has no grievance in the matter. At best, its members could have a grievance. It cannot be said that the members of the appellant – association are so poor that they could not individually file writ appeals. It is also not a case of the nature of environmental pollution or some great hardship caused to the public at large or a disadvantaged section of it (like prisoners, exploited women, children, etc.) regarding which Public Interest Litigation has been permitted by the Supreme Court. Hence, in our considered view, this writ appeal is not maintainable, as the appellant has no locus standi. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected W.A.M.Ps. are also dismissed."

3. Similarly in W.P.No.10465 of 2020, a Co-ordinate Bench of this Court, having considered various decisions of the Hon'ble Apex Court, held as under:

"A careful reading of all the above Judgments, makes it clear that an Association either registered or unregistered, can file a writ petition under Article 226 of the Constitution of India on behalf of its members taking the cause of its members only if, (a) the members themselves are unable to approach the Court by reason of poverty, disability or socially or economically in a disadvantaged position, who are termed as "Little Indians"; and (b) in case of public injury leading to public interest litigation provided the Association has some concern deeper than that of a way~farer or a busy body.

13. In the judgment dated ***28.03.2018 in W.A.No.1792 of 2017 [The Secretary to Government, Chennai-9 and Others v. The Tamil Nadu Higher Secondary Vocational Teachers Association]****, the Hon-ble Division Bench has observed that* ***"There is no question of***

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entertaining the writ petition at the instance of the Association in a Service Matter and directing the Government to grant the benefits to the members of the Association. Nothing prevented the employees who worked as Vocational Instructors to approach the Court for appropriate relief. Since it is a service matter, the concerned employee has to approach the Court. There is no locus standi for the Association to approach the Court for the purpose of giving service benefits to its members...?"

14. Admittedly, in the case on hand, the present writ petition has been filed on behalf of its members and the members of the petitioner-s Association are employees of the Survey & Settlement Department and they cannot be presumed to be poor, disabled or disadvantaged to approach this Court individually. In the light of the aforesaid decision of the learned Single Judge of this Court in ***Bharathidasan University Backward Class and Most Backward Class Employees Association (cited supra),*** *and the Division Bench judgment cited supra, the writ petition which pertains to service matter, is not maintainable.*

15. In the light of the above discussions and following the decision of the Division Bench of this Court cited supra the contention of the petitioner cannot be countenanced and this Court is of the view that the petitioner Association has no locus standi to challenge the impugned Government Order and therefore, the present writ petition is not maintainable and deserves dismissal.

4. Be that as it may, the impugned proceedings issued by the 2nd respondent is only a consequential proceedings pursuant to the orders issued by the Government in G.O.(1D).No.750, RD & PR (E3) Department, dated

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21.12.2006. Unless there is a challenge to the said Government order, the question of interfering with the consequential impugned proceedings issued by the 2nd respondent does not arise. For this reason also, no relief can be granted in favour of the petitioner association.

5. In the light of the above, this Court is not inclined to entertain this writ petition at the instance of the petitioner. Accordingly, this writ petition is dismissed. In case, if any individual members of the petitioner Association are aggrieved by the impugned proceedings, it is left open for them to take appropriate steps in accordance with law.

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dpa

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

1.The Secretary to Government,

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State of Tamil Nadu,
Rural Development and
Panchayat Raj Department,
Secretariat, Chennai-9.

2.The Director of Rural Development
and Panchayat Raj,
Panagal Building,
Saidapet, Chennai – 15.

MUMMINENI SUDHEER KUMAR, J.

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