



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No. 11351 of 2019

V.Krishnamurthy
(Hindu/aged about 57 years)
S/o.S.Vasudevan, No.12,
Ramaswamy street,
Anandanagar, Avadi,
Chennai -600071.

...

Petitioner

Vs.

1. The Secretary to Government,
Public Works Department,
Fort St.George,
Chennai-600 009.

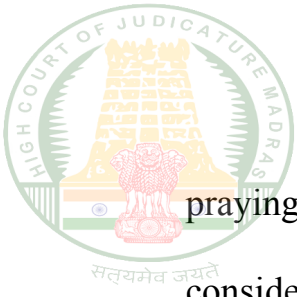
2. The Engineer in Chief (WRD) &
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600005.

3. The Executive Engineer,
PWD Buildings (C & M) Division,
Dharmapuri Collectorate Campus,
Dharmapuri-636705.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a writ of Mandamus directing the 2nd Respondent herein to consider the representation of the petitioner dated 14.03.2018 and 06.06.2018 and treat the period between 02.03.2016 to 14.03.2017 as the period of Compulsory Wait and provide all emoluments to the Petitioner for the said period and pass such further or other orders as this Court may deem fit and proper in the above facts and circumstances of the case.

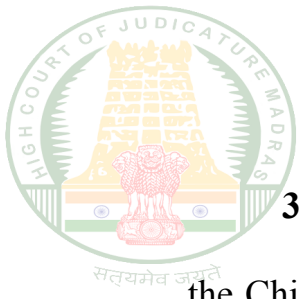
For Petitioner : Ms.S.Ambika for M/S.M.Sankar

For Respondents : Mr.T.Chezhian, AGP

ORDER

The writ petition has been filed to direct the 2nd Respondent to consider the representation of the petitioner dated 14.03.2018 and 06.06.2018, and treat the period between 02.03.2016 to 14.03.2017 as the period of Compulsory Wait, and provide all the emoluments to the petitioner for the said period and pass further orders.

2. Heard Ms.S.Ambika, learned counsel for the petitioner, Mr.T.Chezhian, learned additional government pleader for the respondents and perused the materials available on record.

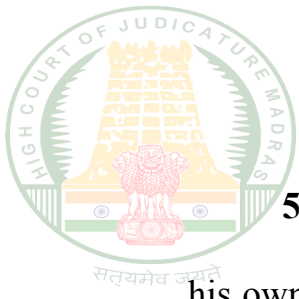


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3. The petitioner is working as a Draughting Officer at the office of the Chief Engineer(P.W.D), Water Resources Department, Chennai Region.

The petitioner was required to be put under compulsory wait in view of no vacancy available for the post of Senior Draughting Officer during the period between 02.03.2016 to 14.03.2017. However, the petitioner was given a relieving order on 02.03.2016 itself, without ensuring the vacancy position. The petitioner has given various representations to treat the period of compulsory wait as duty. As his representation has not been considered so far, this writ petition has been filed seeking direction.

4.The learned Additional Government Pleader for the respondents submitted that the petitioner was issued a reposting order on 01.03.2016 and was relieved on 02.03.2016. Subsequently, the petitioner was transferred to the Plant Formulation Circle, WRD, Salem, by the proceedings of the 2nd respondent dated 30.08.2016. Although the petitioner received a copy of the said proceedings directly from the office of the 2nd respondent on 13.12.2016, he reported for duty only on 15.03.2017. The petitioner could not be accommodated in the said post during the interregnum as it had already been allotted to another person by way of transfer.



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5. Since the petitioner chose to join the post only on 15.03.2017 on his own volition, he did not join earlier despite a vacancy being available in the Plant Formulation Circle, WRD, Salem. If the post was not available to the petitioner even in the Plant Formulation Circle, he cannot be expected to join. Although it is stated that another posting order was issued to the petitioner on 30.08.2016, it appears that the order was actually signed only on 29.02.2016. In such a case, it could not have reached the hands of the petitioner on the date mentioned in the proceedings.

6. It is the contention of the petitioner that he received the order only on 02.03.2017, and thereafter, he joined the post on 15.03.2017, and he was allowed to join. Subsequently, on 08.03.2017, another order was passed directing the petitioner to join as per the order dated 02.03.2017, which had been signed by the Superintending Engineer only on 14.03.2017. Upon being served with the order dated 14.03.2017, the petitioner immediately joined the post on 15.03.2017.

7. So it appears that the petitioner was waiting only due to the non-availability of the vacancy and his representation to regularize the said



period by considering that the period has not been considered by the respondent so far.

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In view of the above discussion, this writ petition is **allowed**. The respondent is directed to consider the petitioner's representation and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

17.04.2025

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
jrs



R.N.MANJULA, J.

jrs

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To

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2. The Engineer in Chief (WRD) &
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