



WEB COPY



W.P.No.36614 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

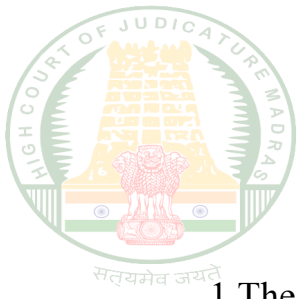
W.P.No.36614 of 2016

- 1.P.Sethuraman
- 2.R.Aravindraj
- 3.M.Ukkirapandian
- 4.M.Mohammad Jafar,
- 5.Vannairaja
- 6.G.B.Makeshkumar
- 7.V.Sivagnanam
- 8.S.Senthil Kumar
- 9.J.Muthuramalingam
- 10.P.Vijayakumar
- 11.S.Badrinarayanan
- 12.R.Sivakumar
- 13.D.Vetrivel
- 14.K.Ramesh

... Petitioners

(P6 to P14 impleaded vide order dated
16.06.2023 made in W.M.P.No.59/2022
in W.P.No.36614/2016 by PBDJ)

Vs.



W.P.No.36614 of 2016

WEB COPY

1.The Government of Tamilnadu,
Rep., by its Secretary,
Public Works Department,
Secretariat, Chennai-9.

2.The Engineer-in-Chief (WRO) &
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-5.

3.The Tamil Nadu Public Service Commission,
Rep., by its Secretary,
Frazer Bridge Road,
Chennai- 600 003.

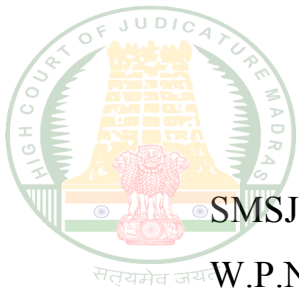
4.Tamil Nadu Engineering Association,
Public Works Department, Chepauk,
Chennai- 600 005, rep., by its General Secretary,
Mr.D.Murugesan

5.R.Chandrasekaran,
Assistant Engineer- PWD, Building Construction III,
Poonamalle, Chennai.

6.R.Thiagarajan

... Respondents

(R4 impleaded as per order dated 02.08.2017 by



W.P.No.36614 of 2016

SMSJ in WMP.No.10735/2017 in
W.P.No.36614 of 2016)

(R5 impleaded vide order dated 16.06.2023
made in WMP.No.3562 of 2022 in
WP.No.36614/2015 by PBBJ)

(R6 impleaded vide order dated 16.06.2023
made in WMP.No.3579/2022 in WP.No.36614
of 2016 by PBB)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing to call for the records on the file of the 1st respondent relating to the issue of the impugned order viz., G.O.Ms.No.1 Public Works (B-2) Department dated 02.01.1990 and quash the same and consequently, direct the respondents to replace the Assistant Engineers already appointed temporarily pursuant to the impugned order by selecting candidates by direct recruitment through Tamilnadu Public Service Commission within a time frame as this Court may fix.

For Petitioner : Mr.N.Subramaniyan

For Respondent : Mr.P.Ganesan

Additional Government Pleader for R1 & R2

Mr.P.Rajendran for R4

Mr.R.Bharanidaran for R3

M/s.Malarvizhi Udayakumar for R5 & R6



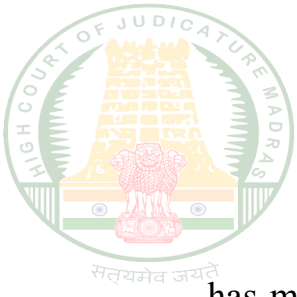
W.P.No.36614 of 2016

ORDER

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This writ petition has been filed challenging the Government Order issued in G.O.Ms.No.1 Public Works B2 Department dated 02.01.1990 and to quash the same and certain other consequential directions were also sought.

2. When the matter is taken up for consideration, it is brought to the notice of this Court by Mr. Mr. P. Ganesan, learned Additional Government Pleader that the very same Government Order was put to challenge before this Court in W.P.No.3309 of 1991 and validity of the the said Government Order was upheld by this Court by an order dated 08.03.1991. This Court has perused the said order dated 08.03.1991 and it is noticed that there was a direct challenge of the very same Government Order which is impugned in this writ petition. As the Co-ordinate Bench of this Court has already upheld the validity of the very same impugned order, this Court is afraid whether this Court can once again examine the same and come to a different conclusion.



W.P.No.36614 of 2010

WEB COPY

3. Though Mr. Subramanian, learned counsel appearing of the petitioner has made submissions elaborately, this Court does not deem it necessary to consider all such submissions in elaborate as the validity of the very same Government Order has already been upheld by a Co-ordinate Bench of this Court. Further, the petitioners herein are stated to be the persons who are aspiring appointment to the post of Assistant Engineer by way of direct recruitment and also the persons who are appointed as Assistant Engineer by way of direct recruitment after appointment of Assistant Engineers in terms of G.O.Ms.No.1 Public Works B2 Department dated 02.01.1990.

4. In the considered view of this Court the direct recruits have no locus to challenge the impugned Government Order as the said order is not going to tinker with the 75% quota earmarked for the direct recruits and therefore, the persons who are seeking to be appointed as Assistant Engineer under 75% quota have no locus. So also the persons who were appointed as Assistant Engineers after appointment of the persons in terms of G.O.Ms.No.1 Public Works B2 Department dated 02.01.1990 also have no locus, as they were not even born in the cadre of Assistant Engineer as on the date of appointments



W.P.No.36614 of 2010

made for the post of Assistant Engineer in terms of the G.O.Ms.No.1 Public Works B2 Department dated 02.01.1990.

5.In the light of the above, this Court does not find any merit in the writ petition to quash the impugned Government Order and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

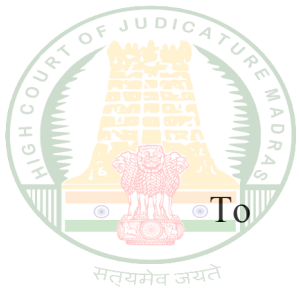
23.01.2025

vsn

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



W.P.No.36614 of 2016

WEB COPY

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- 3.The Tamil Nadu Public Service Commission,
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Frazer Bridge Road,
Chennai- 600 003.
- 4.Tamil Nadu Engineering Association,
Public Works Department, Chepauk,
Chennai- 600 005, rep., by its General Secretary,
Mr.D.Murugesan
- 5.R.Chandrasekaran,
Assistant Engineer- PWD, Building Construction III,
Poonamalle, Chennai.



WEB COPY



W.P.No.36614 of 2016

MUMMINENI SUDHEER KUMAR, J.

vsn

W.P.No.36614 of 2016
and
and M.P.Nos.31481 &31482 of 2016

23.01.2025