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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.05.2025

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THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No. 18325 of 2025

And

W.M.P.Nos. 20535, 20542 & 20544 of 2025

1. L.Subbiah
2. R.Muthukumar
3. G.Manikandan
4. M.Bhuvaneshpandi
5. P.Rameshkumar
6. T.Gowtham ... Petitioners

..Vs..

1. The Government of Tamil Nadu
Rep. by its Principal Secretary to Government
Municipal Administration and Water Supply Department
Fort St. George,
Secretariat, Chennai – 600 009.
2. The Director of Municipal Administration



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No.75, Urban Administrative Building
Santhome High Road,
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028.

3. The Commissioner
Tiruppur City Municipal Corporation
Tiruppur – 641 604.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent issued in Na.Ka.No.C2/0553/2025 dated 21.03.2025 and quash the same and consequently to direct the respondents to consider the cases of the petitioners for appointment as 'Assistant Engineer' in the light of the orders issued in G.O.(Ms.).No.79, MAWS Department dated 30.04.2001, as it was done by the first respondent to the Skilled Assistants Grade II of Coimbatore Tirunelveli, Salem Corporations and Road Gang Mazdoors in Greater Chennai Corporation and to the Technical Assistants in Municipalities within a reasonable period as may be fixed by the Hon'ble Court.

For Petitioners :: Mr. S.N.Ravichandran

For RR 1 & 2 :: Mr. S.Rajesh
Government Advocate

For 3rd Respondent :: Mr.Arvind
for Mr. D.R. Arun Kumar

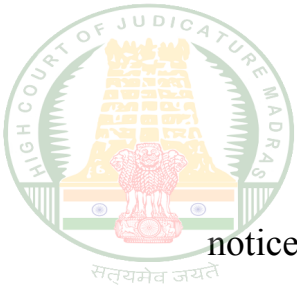
ORDER



WEB COPY The Writ Petition has been filed in the nature of a Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent issued in Na.Ka.No.C2/0553/2025 dated 21.03.2025 and quash the same and consequently to direct the respondents to consider the cases of the petitioners for appointment as 'Assistant Engineer' in the light of the orders issued in G.O.(Ms.).No.79, MAWS Department dated 30.04.2001, as it was done by the first respondent to the Skilled Assistants Grade II of Coimbatore Tirunelveli, Salem Corporations and Road Gang Mazdoors in Greater Chennai Corporation and to the Technical Assistants in Municipalities within a reasonable period as may be fixed by the Hon'ble Court.

2. By consent, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. Heard Mr. S.N.Ravichandran, learned counsel appearing for the petitioners, Mr.S.Rajesh, learned Government Advocate, who has taken



notice on behalf of the respondent Nos. 1 & 2 and Mr.Arvind for Mr. D.R.

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Arun Kumar, who has taken notice on behalf of the third respondent.

4. The short point involved in this Writ Petition is that this Court had passed an order in W.P.No. 3186 of 2025 on 31.01.2025 to the following effect:-

“10. This Court, after considering the claim made by the learned Senior Counsel that they are restricting the prayer only to the extent that the representation of the petitioners should be considered on merits and in accordance with law. This Court thereby directs the respondents to consider the cases of the petitioners' as was done in the cases of Skilled Assistants Grade II & Road Gang Mazdoor, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. ”

5. Despite the specific direction given by this Court to consider the petitioners' case of Skilled Assistants Grade II and Road Gang Mazdoor, the



respondent had further proceeded and passed the impugned order.

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6. Mr.Arvind, learned counsel representing for Mr. D.R. Arun Kumar appearing on behalf of the third respondent states that this order was not communicated to the third respondent and since there was a direction from the second respondent to pass orders on 23.12.2024, the impugned order came to be passed.

7. I am not in a position to accept the statement made by the learned counsel for the third respondent for the simple reason that when the matter was heard before Hon'ble Mrs. Justice V.Bhavani Subbaroyan, the respondents were represented by the Additional Government Pleader and by the Government Advocate as of January 2025. The respondents were aware that the direction has been given by this Court, yet, in March 2025, they have proceeded further and pass the order ignoring the order of the Court. The respondents, being a part of the executive, are bound by orders which have been passed by this Court. Full faith and credit is to be given to the orders passed by the Courts in this country in terms of Article 261 of the Constitution of India. The respondents have not complied with the order.



Therefore, the impugned order is set aside.

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8. Accordingly, the impugned order is set aside. The Writ Petition stands allowed. No costs. Consequently, W.M.P.No. 20535 of 2025 stands allowed. The proceedings stand restored on the file of the 3rd respondent. The said respondent shall comply with the orders passed in W.P.No.3186 of 2025 dated 31.01.2025. W.M.P.Nos.20542 & 20544 of 2025 stand closed.

16.05.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. Principal Secretary to Government
Municipal Administration and Water Supply Department
The Government of Tamil Nadu
Fort St. George,
Secretariat, Chennai – 600 009.
2. The Director of Municipal Administration
No.75, Urban Administrative Building
Santhome High Road,
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3. The Commissioner
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V. LAKSHMINARAYANAN, J.,



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