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W.P.No.24418 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24418 of 2021

S.Jeganathan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep., by its Additional Chief Secretary,
PWD Department Chennai-09.

2.The Principal Chief Engineer (WRD)
&Chief Engineer (General),
PWD Department,
Chepauk, Chennai

3.ER.P.M.Karthik

4.ER.M.Mathan

5.ER.S.Vetrivel

6.ER.Senthil Kumar,
S/o.R.P.Subbaiyan

7.ER.P.Gopal,B.E

8.G.B.Makeshkumar,



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Assistant Engineer, WRD

9.V.Sivagnanam,
Assistant Engineer, WRD

10.S.Senthil Kumar,
S/os.Subramanian
Assistant Engineer, WRD

11.J.Muthuramalingam,
Assistant Engineer, WRD

12.P.Vijayakumar,
Assistant Engineer, WRD

13.S.Badrinarayanan,
Assistant Engineer, WRD

14.R.Sivakumar,
Assistant Engineer, WRD

15.D.Vetrivel
Assistant Engineer, WRD

16.K.Ramesh
Assistant Engineer, PWD/WRO

(R3 to R7 impleaded vide order dated
11.11.2022 made in WMP.No.28532 of
2021 in WP.No.24418 of 2021 by AQJ)

(R8 to R16 impleaded vide order dated
11.11.2022 made in WMP.No.29830 of
2021 in WP.No.24418/2021 by AQJ)

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to amend the service rule of TamilNadu Engineer Service/TamilNadu Engineer Subordinate service by designating Technical Assistant as feeder post to the post of Assistant Engineers and include the petitioner in the panel of Assistant Engineers in ratio 3 for promotion as Assistant Executive Engineers with retrospective effect from 02.01.1990.

For Petitioner : Mr.G.Veera Pathiran

For Respondent : Mr.P.Ganesan

Additional Government Pleader for R1 & R2

Mr.NaveenKumar Murthi for R3 to R7

Mr.N.Subramanian for R8 to R16

ORDER

This writ petition has been filed seeking to direct the 1st respondent to amend the Service Rule of TamilNadu Engineer Service/TamilNadu Engineer Subordinate service by designating Technical Assistant as feeder post to the post of Assistant Engineers and include the petitioner in the panel



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of Assistant Engineers in ratio 3 for promotion as Assistant Executive Engineers with retrospective effect from 02.01.1990.

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2.As seen from the affidavit filed in support of the writ petition, it is noticed that the basis for the relief sought in the present writ petition is G.O.Ms.No.1 Public Works B2 Department dated 02.01.1990. As it is a settled law that no mandamus can be issued directing the State to amend the rules or frame policy. However, it is the contention of the learned counsel for the petitioner that the Government has taken a policy decision under G.O.Ms.No.1 Public Works B2 Department dated 02.01.1990 has not taken the consequential steps to amend the special Rules.

3.As the Government has already taken a policy decision and the challenge made to the said policy decision in W.P.No.36614 of 2016 has been negatived today by a separate order, the petitioner is granted liberty to submit a representation before the 1st respondent within a period of three weeks from the date of receipt of a copy of this order. In case if



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any such representation is submitted, the 1st respondent shall take appropriate action on such representation in accordance with law within a period of eight weeks from the date of submission of such representation.

4. Accordingly, the writ petition stands disposed of. No costs.

23.01.2025

vsn

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Government of Tamil Nadu,
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PWD Department Chennai-09.

2. The Principal Chief Engineer (WRD)
& Chief Engineer (General),
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Chepauk, Chennai



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MUMMINENI SUDHEER KUMAR, J.

vsn

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