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W.P.Nos.1647 of 2019 & 18709 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.1647 of 2019 & 18709 of 2021

and

W.M.P.Nos.23652 & 19973 of 2021

S.Saravanan

S/o R.Samudi

... Petitioner in W.P.No.1647 of 2019

S.Saravanan

S/o R.Selvaraj

... Petitioner in W.P.No.18709 of 2021

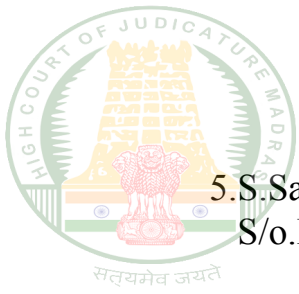
Vs.

1.The Secretary to Government,
Public Works Department,
Fort St. George, Chennai-9.

2.The Engineer-in-Chief,
Public Works Department (Buildings),
Chepauk, Chennai – 5.

3.The Engineer -in-Chief, (General),
Water Resources Organisation and Chief Engineer (General),
Chepauk, Chennai -5.

4.The Assistant Executive Engineer, (Buildings)
(C & M) Sub-Division,
Public Works Department,
Thirupathur,
Vellore District.



5.S.Saravanan
S/o.R.Selvaraj

... Respondents in W.P.No.1647 of 2019

1.The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai – 600009.

2.The Engineer-In-Chief,
Public Works Department (Buildings),
Chepauk,
Chennai-600005.

3.The Engineer-in-Chief (General),
Water Resoruces Organisation and Chief Engineer (General),
Chepauk,
Chennai-600005.

4.The Assistant Executive Engineer (Buildings),
(C&M) Sub Division,
Public Works Department,
Tirupathur,
Vellore District.

5.The Executive Engineer (WRD),
Middle Pennaiyar Basin Division,
Tiruvannamalai-606603

6.S.Saravanan,
S/o R.Samudi.

... Respondents in W.P.No.18709 of 2021

Prayer in W.P.No.1647 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to impugned order issued by the 1st respondent in clause I of G.O.Ms.No.1 Public Works (C2) Department dated 04.01.2012 and quash the same and consequently direct the respondents 1 to 3 to



regularize the petitioner in the post of Irrigation Assistant as per G.O.Ms.No.134 Public Works (C2) Department dated 07.05.2010 with all consequential service and monetary benefits.

Prayer in W.P.No.18709 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for records in Proceedings No. EC2/F.1647/2021/ dated 25.08.2021 on the file of the 5th respondent, and to quash the same as illegal and without jurisdiction.

In W.P.No.1647 of 2019:

For Petitioner : Mr.R.Prem Narayan

For R1 to R4 : Mr.R.Neelakandan
Additional Advocate General, assisted by
Mr.K.H.Ravikumar, Government Advocate.

For R5 : Mr.S.Rajendra Kumar
for Mr.Govind Chandrasekar.

In W.P.No.18709 of 2021:

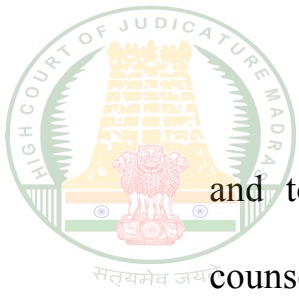
For Petitioner : Mr.S.Rajendra Kumar
for Mr.Govind Chandrasekar.

For R1 to R5 : Mr.R.Neelakandan
Additional Advocate General, assisted by
V.Nanmaran, Additional Government Pleader.

For R6 : Mr.R.Prem Narayanan

COMMON ORDER

These two matters were heard by this Court on 31.07.2024 and in view of the fact that most of the documents are in vernacular language, these matters were listed 'for clarification' before this Court again on 02.06.2025



and today i.e.10.06.2025 and accordingly, upon hearing all the learned counsels, these matters are being disposed of by this common order.

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2. The parties are referred to taking into consideration their status in W.P.No.1647 of 2019 for the sake of convenience.

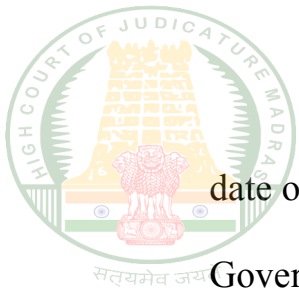
3. The brief facts that are relevant for disposal of these writ petitions are as under:

3.1.The petitioner herein namely S.Saravanan, S/o.R.Samudi. While he was working as daily wage labourer in the Public Works Department, the case of the daily wage labourers were taken up for consideration for regularization of their services on completion of 10 years of service and accordingly, appropriate proposals have been submitted by the concerned officials to the Government. Accordingly, Government issued an order in G.O.Ms.No.134, Public Works (C2) Department dated 07.05.2010 regularizing the services of 746 daily wage labourers in different capacities out of 976 proposals received from the various corners of the State. One Mr.S.Saravanan was shown at S.No.38 of the list of beneficiaries of that order annexed to the said G.O.



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4. In terms of the said Government Order, the Engineer-in-Chief, Water Resources Organisation and Chief Engineer (General), Public Works Department issued proceedings bearing செ.மு.எண்.எஸ்.4(1)/23773/2003 dated 13.05.2010 appointing the beneficiaries of the above said Government Order in different posts. Accordingly, the petitioner herein was appointed as Irrigation Assistant and his name is shown at S.No.13 of the said proceedings dated 13.05.2010. It was thereafter, and before the petitioner herein joined the post of Irrigation Assistant, the 5th respondent herein raised an objection against the appointment of the petitioner herein contending that the petitioner is not the person who is shown at S.No.38 of Annexure appended to G.O.Ms.No.134 and claimed that his name was shown at S.No.38, though the date of birth of the petitioner was erroneously mentioned in the said Annexure at S.No.38. In view of the same, the appointment order dated 13.05.2010 issued in favour of the petitioner was kept in abeyance and thereafter, an enquiry is stated to have been conducted, however, that was not by putting the petitioner herein on notice. Pending enquiry into the matter, without issuing any further notice to the petitioner herein and without conducting any enquiry, at the instance of the 5th respondent herein, the order issued in G.O.Ms.No.134 dated 07.05.2010 was amended, duly changing the



date of birth mentioned against S.No.38 of the Annexure appended to the said Government Order by substituting the date of the birth of the 5th respondent herein. It was thereafter, the 5th respondent was appointed as Irrigation Assistant.

5. While so, the petitioner having continued his efforts to get an appointment order pursuant to G.O.Ms.No.134 dated 07.05.2010 and having failed to get any favourable orders and on coming to know that the orders issued in G.O.Ms.No.134 dated 07.05.2010 were amended by issuing G.O.Ms.No.01, Public Works (C2) Department, dated 04.01.2012, approached this Court by filing W.P.No.1647 of 2019 seeking to quash the said Government Orders issued in G.O.Ms.No.01 dated 04.01.2012. While the said writ petition was pending, though the respondents therein filed a counter affidavit making an attempt to sustain the impugned orders therein, subsequently, the respondents have conducted an independent enquiry into the matter after notice to the 5th respondent herein and prima facie, came to the conclusion that the 5th respondent herein secured the employment, though he is not otherwise entitled for the same and came to the conclusion that, the petitioner herein is the one, who is the beneficiary of the orders issued in



G.O.Ms.No.134 dated 07.05.2010. In this connection, a report was also submitted by the Executive Engineer, after conducting an enquiry into the matter. It is basing upon the said enquiry, the 5th respondent herein was placed under suspension, through proceedings No.EC2/F.1647/2021 dated 25.08.2021, pending detailed enquiry. It is aggrieved by the said proceedings dated 25.08.2021, the 5th respondent approached this Court by filing W.P.No.18709 of 2021.

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6. Heard Mr.R.Prem Narayan, learned counsel for the petitioner in W.P.No.1647 of 2019 and for the 6th respondent in W.P. No.18709 of 2021; Mr.S.Rajendra Kumar for Mr.Govind Chandrasekar, learned counsel for the petitioner in W.P.No.18709 of 2021 and for the 5th respondent in W.P.No.1647 of 2019; and Mr.R.Neelakandan, learned Additional Advocate General, assisted by Mr.K.H.Ravikumar, learned Government Advocate for the respondent Nos.1 to 4 in W.P.No.1647 of 2019 and for respondent Nos.1 to 5 in W.P.No.1879 of 2021.

7. In the light of the above mentioned background facts and after having heard the matter at length, in the considered view of this Court, the



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only point that would arise for consideration in order to resolve the dispute is only to ascertain the identification of the person whose name was mentioned at S.No.38 of the Annexure appended to G.O.Ms.No.134 dated 07.05.2010. Though initially the petitioner was identified as the person mentioned at S.No.38 and an appointment order was issued on 09.06.2010, subsequently, the respondents having issued G.O.Ms.No.01, dated 04.01.2012, changed their mind and the 5th respondent herein was identified and benefited by the said order. At no point of time, the petitioner herein was afforded opportunity to establish his case before denying him the benefit of the orders issued in G.O.Ms.No.134 dated 07.05.2010, and conferring the benefit of the 5th respondent.

8. Though there appears to be some enquiry conducted by the enquiry officer at the instance of the higher officials and a report was also submitted by the Executive Engineer, a perusal of the said report does not disclose that a full-fledged opportunity was afforded to the 5th respondent herein as well as to the petitioner herein. Without ascertaining the true identity of the person whose name is listed at S.No.38 of Annexure appended to G.O.Ms.No.134 dated 07.05.2010, it is not possible for this Court to come



to any conclusion on such factual aspects. Such an aspect can be ascertained by the respondents themselves by duly verifying the records pertaining to G.O.Ms.No.134 dated 07.05.2010 as well as G.O.Ms.No.01, dated 04.01.2012. If the proposals which were the basis for issuance of G.O.Ms.No.134, dated 07.05.2010 resulting in including the name of the S.Saravanan at S.No.38 of the Annexure appended to G.O.Ms.No.134, dated 07.05.3020 is ascertained, the truth will come out. But at no stage, the official respondents, have made any such attempt. If that is ascertained, then truth will come out.

9. At this stage, it is also necessary to notice that the petitioner herein though was identified as the person placed at S.No.38 of the Annexure appended to G.O.Ms.No.134 initially, and an appointment order was also issued in his favour, he was denied the benefit of such order without affording him any opportunity and the orders issued in G.O.Ms.No.134, dated 07.05.2010 was also amended behind the back of the petitioner herein detrimentally affecting his interest. Thus, it is amply clear that the orders issued in G.O.Ms.No.01 dated 04.01.2012 was issued in utter violation of principles of natural justice.



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10. Had the respondents conducted a detailed enquiry immediately after an objection was raised by the 5th respondent herein by duly affording opportunity to the petitioner as well as the 5th respondent, the issue could have been resolved at the earliest point of time. But for the reasons best known, the respondents have not taken any steps but have acted in an arbitrary manner resulting in issuance of G.O.Ms.No.01 dated 04.01.2012 thereby conferring benefit upon the 5th respondent. It is because of such an erroneous action on the part of the respondents, the 5th respondent herein was appointed as Irrigation Assistant and continued in service till the year 2019 and thereafter, he was placed under suspension and is being continued for all these years by paying subsistence allowance without extracting any work from the 5th respondent. All this shows the irresponsible and negligent acts on the part of the official respondents in discharging their duties thereby causing loss to the State while subjecting the petitioner as well as the 5th respondent to unnecessary litigation.

11. In the light of the above, in the considered view of this Court, the impugned Government Order issued in G.O.Ms.No.01 dated 04.01.2012 cannot be sustained for want of compliance with the principles of natural

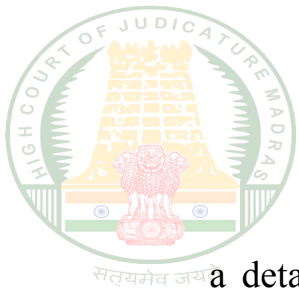


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justice. No doubt, the 5th respondent raised an objection on the ground of delay in challenging the said Government Order. But in the considered view of this Court, such an objection cannot stand to legal scrutiny as the said Government Order was issued behind the back of the petitioner and the petitioner has no knowledge about the amendment issued through G.O.Ms.No.01 dated 04.01.2012 to the orders issued in G.O.Ms.No.134 dated 07.05.2010 immediately after issuance of the said Government Order.

12. In the light of the above, the impugned Government Order in G.O.Ms.No.01 dated 04.01.2012 is liable to be quashed to the extent of altering the date of birth mentioned at S.No.38 of the Annexure appended to G.O.Ms.No.134 dated 07.05.2010 is concerned and the same is accordingly quashed. Consequently, all the consequential orders including appointment order issued in favour of the 5th respondent shall also stand quashed.

13. Neither the petitioner nor the 5th respondent is challenging the orders issued in G.O.Ms.No.134, dated 07.05.2010. The only dispute is about the identity of the person whose name is entered at S.No.38 of the Annexure appended to G.O.Ms.No.134, dated 07.05.2010.



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14. In the light of the above, the 3rd respondent is directed to conduct a detailed enquiry into the matter either by himself or by appointing any other officer not below the rank of Chief Engineer to identify the actual person who is entitled for the benefit of G.O.Ms.No.134 dated 07.05.2010 by duly affording an opportunity to the petitioner as well as the 5th respondent and conclude the said enquiry within a period of three (3) months from the date of receipt of a copy of this order. In case, if the petitioner herein succeeds in such enquiry, he shall be entitled for all the benefits of G.O.Ms.No.134 dated 07.05.2010 and he shall be extended all such benefits on par with other similarly situated persons. In case, if the 5th respondent succeeds in such enquiry, the 5th respondent shall stand restored back to his original position which he was enjoying as on the date of placing him under suspension through proceedings No.EC2/F.1647/2021/ dated 25.08.2010 and shall also be entitle for all consequential benefits.

15. It is made clear that the 3rd respondent is at liberty to conduct an independent enquiry without being influenced by any of the observations made in this order. It is further made clear that this Court has not expressed any opinion on merits of the case as to the identity of the petitioner or the 5th



respondent herein and it is open for the 3rd respondent to take independent decision without being influenced by any of the observations made in this order. Therefore, the scope of enquiry that is directed to be conducted by the 3rd respondent herein shall be confined to that aspect alone.

16. Accordingly, both the writ petitions are disposed of. No costs.

Connected miscellaneous petitions, if any, shall stand closed.

10.06.2025

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



MUMMINENI SUDHEER KUMAR, J.

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Public Works Department,
Fort St. George, Chennai-9.
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Public Works Department (Buildings),
Chepauk, Chennai – 5.
 - 3.The Engineer -in-Chief, (General),
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