



**W.P.(MD)No.15972 of 2025**

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.06.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.15972 of 2025**

**and**

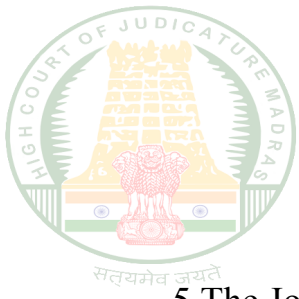
**W.M.P.(MD)No.12532 of 2025**

S.Sudalaimuthu

... Petitioner

-VS-

- 1.The Engineer in Chief & The Chief Engineer (General),  
PWD Department, Chepauk, Chennai - 600 005.
- 2.The Executive Engineer,  
Quality Control Division,  
PWD Department,  
Rani Mangammal Aranmanai,  
1 Floor, 45 Chithirai Street, Madurai.
- 3.The Assistant Executive Engineer,  
PWD Department,  
Quality Control Sub - Division  
P.W.D., Madurai.
- 4.The Assistant Executive Engineer,  
PWD Department,  
Quality Control Sub – Division,  
P.W.D., Tirunelveli.



**W.P.(MD)No.15972 of 2025**

5.The Joint Commissioner,  
H.R. and C.E., Tirunelveli Zonal Office,  
Tirunelveli.

6.The Superintending Engineer,  
PWD Department,  
Quality Control Circle, P.W.D.,  
Chepauk, Chennai.

... Respondents

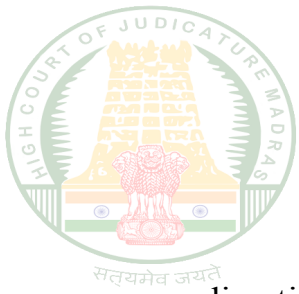
[R6 is impleaded vide order dated 18.06.2025, made in  
W.M.P.(MD)No.12531 of 2025]

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fifth respondent to pass appropriate orders, appointing the petitioner in the fifth respondent office based on the first respondent's order of transfer in its proceedings S1(1)/00516/2024 dated 15.11.2024 and also direct the first respondent to pay the petitioner's salary since November 2024 to till the date of filing of this writ petition.

|                     |   |                                                  |
|---------------------|---|--------------------------------------------------|
| For Petitioner      | : | Mr.M.Maharaja                                    |
| For R1 to R4 and R6 | : | Mr.K.Balasubramani<br>Special Government Pleader |
| For R5              | : | Mr.SS.Madhavan<br>Additional Government Pleader  |

### **ORDER**

This Writ Petition has been filed seeking a direction to the fifth respondent to pass appropriate orders appointing the petitioner in the office of the fifth respondent, pursuant to the transfer order issued by the first respondent in proceedings No.S1(1)/00516/2024, dated 15.11.2024. The petitioner further seeks



**W.P.(MD)No.15972 of 2025**

a direction to the first respondent to pay his salary from November 2024 till the date of filing of this Writ Petition.

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

3. According to the petitioner, he was appointed as Assistant Engineer through the Tamil Nadu Public Service Commission in the year 2007 and was subsequently promoted as Assistant Executive Engineer, serving in the office of the fourth respondent. In the course of his duties, the petitioner appointed four individuals, namely, K.Palraj, G.Munisamy, K.Selvam and P.Asiv as contract workers for the period between 10.05.2023 and 28.02.2024, in anticipation of their appointments being regularized and their salaries approved by the competent authority. Owing to administrative delays, the petitioner paid their salaries from his personal funds. Subsequently, Government funds were sanctioned by proceedings dated 06.03.2024 and were credited to the petitioner's account on 18.03.2024. Acting in good faith, the petitioner remitted the said amount to the Government Treasury, Tirunelveli.

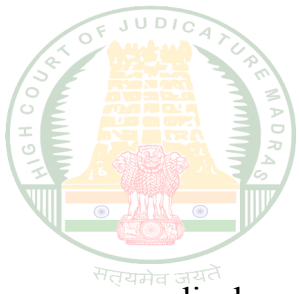


**W.P.(MD)No.15972 of 2025**

WEB COPY

4. Despite the above said facts, a charge memo containing five counts of charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was issued against the petitioner by the first respondent in proceedings No.CII(2)/00637/2024, dated 31.05.2024, which was received by the petitioner on 11.06.2024. While the disciplinary proceedings are pending, the petitioner was transferred from the office of the fourth respondent to that of the fifth respondent by order dated 15.11.2024 issued by the first respondent. Consequently, the second respondent relieved the petitioner from his current post on the same day. Despite repeated communications, including the letters dated 29.11.2024 and 06.12.2024, the fifth respondent has not issued any appointment or joining order pursuant to the valid transfer and relieving orders. The petitioner has also expressed his willingness to join the fifth respondent's office without prejudice to the objections raised in his earlier representations dated 15.11.2024 and 19.11.2024. The matter was duly informed to the Commissioner, HR & CE Department, Chennai.

5. The petitioner has not been paid any salary since November 2024 and he has been left without income for over six months despite being willing to



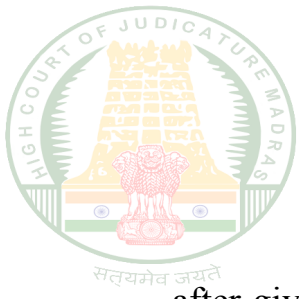
**W.P.(MD)No.15972 of 2025**

discharge his duties. In these circumstances, the petitioner has been constrained to approach this Court by way of the present Writ Petition seeking a direction to the respondents to issue appropriate appointment orders and to disburse the salary due from November 2024 till the date of filing of this writ petition.

**6. Heard both sides.**

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

8. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.11.2024, on its own merits and pass appropriate orders in accordance with law,



**W.P.(MD)No.15972 of 2025**

after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No  
Index : Yes / No  
smn2

**18.06.2025**  
(2/2)

To:-

- 1.The Engineer in Chief & The Chief Engineer (General),  
PWD Department, Chepauk, Chennai - 600 005.
- 2.The Executive Engineer,  
Quality Control Division,  
PWD Department,  
Rani Mangammal Aranmanai,  
1 Floor, 45 Chithirai Street, Madurai.
- 3.The Assistant Executive Engineer,  
PWD Department,  
Quality Control Sub - Division  
P.W.D., Madurai.



**W.P.(MD)No.15972 of 2025**

4. The Assistant Executive Engineer,  
PWD Department,  
Quality Control Sub – Division,  
P.W.D., Tirunelveli.
5. The Joint Commissioner,  
H.R. and C.E., Tirunelveli Zonal Office,  
Tirunelveli.
6. The Superintending Engineer,  
PWD Department,  
Quality Control Circle, P.W.D.,  
Chepauk, Chennai.



WEB COPY



**W.P.(MD)No.15972 of 2025**

**VIVEK KUMAR SINGH, J.**

smn2

**W.P.(MD)No.15972 of 2025**

**18.06.2025**

**(2/2)**