



W.P.(MD)No.22291 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.22291 of 2025

N.Selvaraj

: Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary,
Public Works Department,
Fort St. George, Secretariat,
Chennai 600 009.

2.The Principal Chief Engineer (Buildings)
and Chief Engineer (Buildings),
Chennai Region and Chief Engineer (General),
Public Works Department,
Kamarajar Salai, Chepauk,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings bearing Letter No. 401/Employment-II(1)/2024-2 dated 27.06.2025 on the file of the first respondent and quash the same as being untenable and illegal and further direct the respondents to promote the Petitioner as Works Inspector with effect from 01.07.2010 i.e. from date of completion of 10 years of services of the Petitioner from regularization and award him the consequential benefits as per G.O.Ms.No. 12 PWD (C2) dated 20.01.2009.



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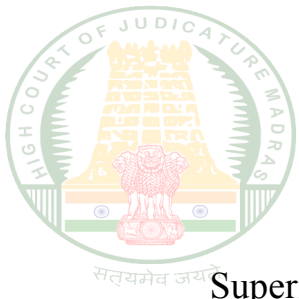
For Petitioner : Mr.V.Kannan
For Respondents : Mr.K.Balasubramanian,
Special Government Pleader

ORDER

This writ petition has been filed seeking to quash the proceedings bearing Letter No.401/Employment-II(1)/2024-2 dated 27.06.2025 on the file of the first respondent and being untenable and illegal and further direct the respondents to promote the Petitioner as Works Inspector with effect from 01.07.2010 i.e. from the date of completion of 10 years of services of the Petitioner from regularization and award him the consequential benefits as per G.O.Ms.No.12 PWD (C2) dated 20.01.2009.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel appearing for the petitioner would submit that the petitioner had completed his SSLC and was initially appointed as Head Mazdoor in the year 1980. Subsequently, he was appointed as Head Mazdoor Selection Grade. His name was originally recommended by the



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Superintending Engineer for being made permanent as a Works Clerk Grade I. Later, based on a revised recommendation issued on 24.07.1990, the petitioner was recommended as the Works Inspector Grade II for regularization. However, his services came to be regularized only as the Head Mazdoor with effect from 01.07.1990. Objecting to the same, the petitioner submitted a representation dated 16.03.1990 to the second respondent seeking regularization as the Works Inspector Grade II, but the same was rejected.

3.(i). Thereafter, the petitioner filed O.A.No.7608 of 2001 before the Tamil Nadu Administrative Tribunal, which, upon abolition of the Tribunal, was transferred to the file of this Court and renumbered as W.P.No.4399 of 2007. By an order dated 24.04.2008, this Court directed the respondents to consider the petitioner's representation. Pursuant to the same, the second respondent rejected his claim on 02.01.2012. Further representations submitted by the petitioner in 2012 were also rejected.

3.(ii). The petitioner, then, filed W.P.(MD) No.19870 of 2013 before this Court and the same was allowed by an order dated 01.12.2016



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directing the respondents to promote him as a Works Inspector Grade II with effect from 01.07.1990 and to grant all consequential benefits. The respondents challenged the said order in W.A.(MD) No.655 of 2018, and the Division Bench, by judgment dated 04.11.2019, allowed the Writ Appeal and set aside the order of the learned Single Judge.

3.(iii). Despite the Division Bench judgment, the petitioner submitted fresh representations. When no action was taken, he again approached this Court in W.P.(MD).No.4546 of 2025, which was disposed of on 21.02.2025, directing the first respondent to consider his representation dated 07.01.2024. In compliance, the first respondent considered the claim and rejected it by order dated 27.06.2025, which is now under challenge in the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents would submit that the admitted position is that the petitioner's claim for retrospective promotion as the Works Inspector Grade II stood negatived by the Division Bench of this Court in W.A. (MD) No.655 of 2018, by judgment dated 04.11.2019. Once the Division Bench has rendered its finding, the same issue cannot be reopened through repeated representations or fresh writ petitions.



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5. The present challenge is only to the consequential rejection order dated 27.06.2025, which is in line with the Division Bench judgment. When the Division Bench has already held against the petitioner, this Court cannot, in exercise of its writ jurisdiction, re-agitate or grant the very same relief indirectly.

6. Further, the petitioner has already retired from service, and after such a long lapse of time, the relief of retrospective promotion with consequential monetary benefits is impermissible in law. The Courts have consistently held that stale service claims cannot be entertained belatedly, especially when the issue has already attained finality before a Division Bench.

7. In view of the above discussion, this Court finds no infirmity in the impugned order dated 27.06.2025 passed by the first respondent. The petitioner has not made out any case warranting interference by this Court.



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8. Accordingly, this Writ Petition stands dismissed. No costs.

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Index : Yes / No

NCC : Yes / No

TSG

To

1.The Additional Secretary,
Public Works Department,
Fort St. George, Secretariat,
Chennai 600 009.

2.The Principal Chief Engineer (Buildings)
and Chief Engineer (Buildings),
Chennai Region and Chief Engineer (General),
Public Works Department,
Kamarajar Salai, Chepauk,
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M.DHANDAPANI, J.

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