

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.22930 of 2015

D.Bosco

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Petitioner

vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chennai - 600 005.

2.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board,
31,Kamarajar Salai,
Chennai - 600 005.

...

Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari, to call for the records of the impugned proceeding of the first respondent in No.24264-1/ENT/A3/2014 dated 08.05.2015 and the quash the same and direct the first respondent to include the petitioner's name in the promotion panel published for the category of Assistant Officer published in No.4736/ENT/A1/2013-2 dated 17.12.2013 with all monetary benefits with interest at 12% per annum till the payment of monetary benefits to the petitioner.

For Petitioner : Ms.Sudharsana Sundar

For Respondents : Mr.M.Jothi Kumar

O R D E R

The petitioner is working as Superintendent in the TWAD Board. His name was included in the panel of Superintendents fit for promotion as Administrative Officer for the year 2013-14. An order dated 08.08.2013 was issued by the Managing Director, TWAD Board promoting him as Administrative Officer.

2. In the said order dated 08.08.2013, the Managing Director of TWAD Board has stated as follows:-

"If any of the promotees are unwilling, they should furnish their relinquishment letter on or before 08.09.2013 to the respective officers, where they are presently working."

3. Accordingly, the petitioner gave a letter relinquishing his promotion as Administrative Officer. It is not out of place to mention that the post of Administrative Officer carries scale of pay of Rs.15,600 - 39,100 with Grade Pay of Rs.5400/-.

4. While so, when the petitioner sought to include his name in the panel for promotion to the post of Assistant Accounts Officer, which carries scale of pay of Rs.9300 - 34800 with Grade Pay of Rs.5100, his request was rejected by the impugned order on the ground that he had relinquished the promotion.

5. I have perused the impugned order as well as the records carefully.

6. Heard both sides.

7. It is seen from the records that the petitioner relinquished his promotion to the post of Administrative Officer, particularly, when the Managing Director of TWAD Board permitted the promotees to express their unwillingness, if any. Therefore, the first respondent is not correct in stating that the relinquishment by the petitioner is for all promotions.

8. In my view, relinquishment is only for promotion to the post of Administrative Officer. In fact, the post of Administrative Officer carries a very high scale than the post of Assistant Accounts Officer. Since the petitioner wanted to continue in the Accounts wing, he relinquished his promotion in Administrative Officer's category. While so, in the impugned order, the petitioner's name was not included on the ground of relinquishment for promotion to the post of Administrative Officer. I am of the view that the impugned order is liable to be interfered with.

9. Accordingly, the impugned order is quashed and a direction is issued to the first respondent to include the name of the petitioner in the promotion panel, dated 17.12.2013 for the post of Assistant Accounts Officer, if he is otherwise eligible and give notional promotion from the date on which his immediate junior was promoted, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chennai - 600 005.

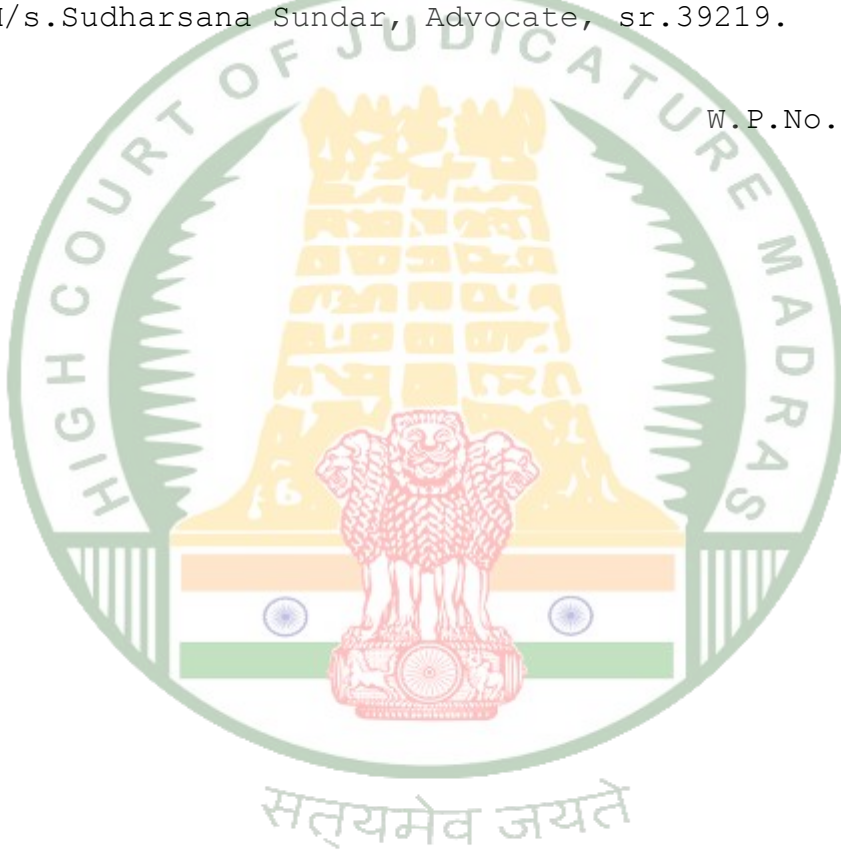
2.The Secretary cum General Manager,
Tamil Nadu Water Supply and Drainage Board,
31,Kamarajar Salai,
Chennai - 600 005.

+1 cc to Government Pleader, sr.39086

+1 cc to M/s.Sudharsana Sundar, Advocate, sr.39219.

W.P.No.22930 of 2015

vsn(co)
kra(17/08)



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