

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 7.10.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31618 of 2015

and

M.P.No.1 of 2015

R.Palanisamy

...Petitioner

vs.

Tamil Nadu Water Supply & Drainage Board  
represented by its Managing Director  
TWAD House Chepauk Chennai 600 005.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent herein to forthwith consider and pass orders on the representation of the Petitioner dated 06.03.2015 praying for promotion on par with the immediate Juniors of the Petitioner Thiru.K.Perumal together with attendant benefits.

For Petitioner : Mr.Kandhan Doraisami

For Respondent : Mrs.S.Thamizharasi

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed As Assistant Engineer in the services of the respondent Board on 30.8.1980. He was transferred to RWS Division, Ooty on 28.5.1986. The petitioner, during his career as Assistant Engineer, was visited with four disciplinary proceedings, out of which in respect of three proceedings charges have been dropped and in respect of one proceedings, he was placed under suspension and subsequently, it was dropped. So far as the criminal proceedings in C.C.No.126 of 2011, pending on the file of the Special Court, Coimbatore is concerned, it was quashed by the order of this court dated 26.2.2015 in Crl.O.P.No.16320 of 2014 and therefore, there is no impediment for granting consequential benefits including promotion and in this regard, the petitioner has already submitted a detailed representation to the respondent through proper channel on 12.6.2015 and since no order has been passed, he has come forward to file this writ petition.

3. Mr.Kandhan Duraisami, learned counsel appearing for the petitioner would submit that persons, who had joined alongwith the petitioner, are working in the cadre of Chief Engineer, whereas the petitioner continues to languish as Assistant Engineer for nearly 25 years and therefore, he is constrained to approach this court by filing this writ petition.

4. Heard the submissions of Mrs.S.Thamilarasi, learned Standing Counsel and she would submit that since the service record of the petitioner has not been good, his claim for promotion has not been considered so far.

5. This court has considered the rival submissions and the materials placed before it.

6. Though the petitioner has prayed for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the case, this court directs the respondent to consider the representation of the petitioner dated 6.3.2015 on merits and in accordance with law after providing an opportunity of personal hearing to the petitioner and pass order within a period of eight weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioner.

7. The writ petition is disposed of accordingly. No costs.  
The connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ssk.

To  
The Managing Director  
Tamil Nadu Water Supply & Drainage Board  
TWAD House Chepauk Chennai 600 005.

+1 cc to Mr.Muthumani,Duraisami,Advocate(sr.54994)

+1 cc to Ms.S.Thamizharasi,Advocate(sr.54484)

W.P.No.31618 of 2015

Jsv(co)  
cp 13/10/2015