



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.15287 of 2015

M.Saravanakumar
Road Inspector Grade II
Office of Assistant Divisional Engineer,
Vilathikulam. ... Petitioner
Vs

1.The Superintendent Engineer (C & M),
Highways Department,
Tirunelveli.

2.The Divisional Engineer (C & M),
Highways Department,
Thoothukudi.

...Respondents

Prayer:- The Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 3.3.2015 submitted through proper channel and pass necessary orders for promotion to the post of Road Inspector Grade I, Thoothukudi Division within a time stipulated by this Hon'ble Court.

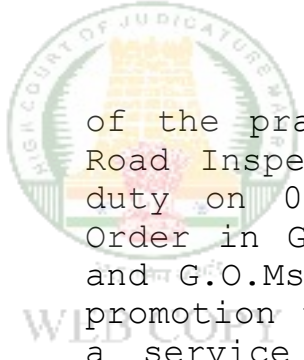
For petitioner : Mr.D.Nallathambi
For respondents : Mr.T.S.Md. Mohideen
Additional Government Pleader

ORDER

This Writ Petition has been filed by M.Saravanakumar, Road Inspector Grade II, seeking for issuance of a Writ of Mandamus directing the 2nd respondent to consider his representation, dated 3.3.2015, submitted through proper channel and pass necessary orders for promotion to the post of Road Inspector Grade I, Thoothukudi Division.

2. Mr.T.S.Md.Mohideen, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Learned counsel appearing for the petitioner in support



of the prayer would submit that the petitioner was appointed as Road Inspector Grade - II in the Highways Department and joined duty on 08.01.2010, therefore, his claim is as per Government Order in G.O.Ms.No.1858 Public Works Department, dated 22.10.1969 and G.O.Ms.No.856 dated 01.06.1977, the eligibility criteria for promotion to the post of Road Inspector Grade - I (next level) is a service experience of not less than 5 years in the feeder category i.e., in the post of Road Inspector Grade - II along with merit and ability. Since the petitioner has completed 5 years experience on 07.01.2015 in the feeder category, namely, Road Inspector Grade - II, the second respondent ought not to have drawn the panel. As the respondents have not done so, the petitioner has come before this Court.

4. This Court finds difficult to entertain the prayer like this the reason is when there is no specific rule mentioning the cut off date for drawal of the panel, it has to be left open to the department to draw the panel, therefore, the petitioner has no right to ask for Mandamus in this regard. Hence, the Writ Petition fails and the same is dismissed. Needless to say that it is for the respondents to work out how and when the panel has to be drawn. No costs

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

skn

To

1.The Superintendent Engineer (C & M),
Highways Department,Tirunelveli.

2.The Divisional Engineer (C & M),
Highways Department,Thoothukudi.

+1CC to Mr.D.Nallathembi Advocate Sr.No.49078

GJM/SKS/RR/9.10.15-2P-4C

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