

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.12991 of 2016

S.Sridharan

Petitioner

Vs

1.The State Rep.by its Secretary
Government of Tamil Nadu
Secretariat, Public Works Department
Fort Saint George, Chennai - 600 009

2. The Chief Engineer,
Public Works Department
Chepauk, Chennai -600 005

3. The Executive Engineer
Environmental Division
Public Works Department (WRO)
Thallakulam, Madurai - 625 002

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the 1st and 2nd respondents to consider his representation dated 18.9.2015 to elevate the petitioner as Selection Grade in Assistant Executive Engineer thereafter promote him as Executive Engineer thereupon to disburse the payment of enhanced retirement benefits with retrospective effect.

For Petitioner Mr.S. Radhakrishnan

For Respondents ... Mr. A.Kumar
Additional Government Pleader

O R D E R

S.Sridharan, has come to this Court seeking a writ of mandamus directing the 1st and 2nd respondents to consider his representation dated 18.9.2015 requesting to elevate him as Selection Grade in Assistant Executive Engineer and thereafter promote him as Executive Engineer and to disburse the payment of enhanced retirement benefits with retrospective effect.

2. The petitioner, who joined in the Public Works Department on 12.6.1971 as Technical Assistant at Perambalur, was given promotion as Junior Engineer on 06.5.1981. Subsequently, since he obtained B.E. degree in Civil, he was re-designated as Assistant Engineer on 25.5.1982 and thereafter, he was promoted as Assistant Executive Engineer in the year 2001. In the meanwhile, the petitioner suffered Departmental Disciplinary proceedings under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, and he was imposed with stoppage of increment for a period of six month. Finally, the same was set aside by this Court by order dated 30.4.2009 in WP.No.32679 of 2005. Again, the petitioner suffered another charge memo under Rule 17(b) as per Memo No. C2(2) 17421/45 dated 30.6.2014 and yet another charge under Rule 17(b) as per the Memo C2(2) 17421 /90-45 dated 30.6.2004 and those charges were set aside by this Court in WP.Nos.30647 of 2005 and 27760 of 2005 on 30.03.2009 and 11.04.2011 respectively. Subsequent to the same, both the charges were withdrawn by G.O.(D). No.72 Public Works Department (E2) dated 17.02.2010 and G.O.(D). No.395 Public Works Department dated 21.11.2011. Thereafter, the petitioner went on unauthorised leave without proper information for which also, he suffered a charge memo issued under Rule 17(b) Tamil Nadu Civil Services (Discipline and Appeal) vide GO.(D) No.161 dated 18.04.2012. As a result, he was not permitted to retire. Finally he was permitted to retire from service on the attainment of age of superannuation on 31.10.2009 and imposed with a punishment of recovery of Rs.250/- per month from the pension payment for six months.

3. The aforementioned facts clearly show that the petitioner was facing Departmental Proceedings continuously and as a result, he was denied with promotion. In any event, since the petitioner was permitted to retire from service and finally imposed with the punishment of cut in pension of Rs.250/- p.m. by the latest order dated 26.7.2012, he cannot seek any retrospective promotion at this stage.

4. Therefore, this Court is not able to find any merit in the writ petition as the petitioner has not made out any ground to interfere with the order passed by the respondents. As such, the writ petition fails and the same is dismissed. No costs.

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Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. Secretary, Government of Tamil Nadu
Secretariat, Public Works Department
Fort Saint George, Chennai - 600 009
2. The Chief Engineer,
Public Works Department
Chepauk, Chennai -600 005
3. The Executive Engineer
Environmental Division
Public Works Department
Thallakulam, Madurai - 625 0

1 cc to Mr.S. Radhakrishnan, Advocate, Sr. 21790
1 cc to Government Pleader, SR. 22229

WP.No.12991 of 2016

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