

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.19932 of 2016

A.Asokan

.. Petitioner

vs

1. The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Chennai 600 009.

2. The Commissioner of Municipal
Administration, Chepauk,
Chennai 600 005.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to consider the representation of the petitioner dated 04.03.2016 for promotion as City Engineer from 01.01.2011, within a reasonable period that may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.P.Chinnadurai
Government Advocate

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. Mr.P.Chinnadurai, learned Government Advocate takes notice on behalf of the respondents.

3. The prayer in the writ petition is for the issuance of writ of mandamus to direct the first respondent to consider the representation of the petitioner dated 04.03.2016 for promotion as City Engineer from 01.01.2011.

4. The case of the petitioner is that while he was working as an Executive Engineer in the Salem City Municipal Corporation, the Government has initiated disciplinary proceedings against the officials including the petitioner in the matter relating to

engagement of Tipper lorries for removal of garbage and debris after a period of 15 years. During the pendency of the disciplinary proceedings, he was not considered for the promotion to the post of City Engineer in the vacancy that arose due to the retirement of one D.Muruganandam on 31.10.2012. According to the petitioner, the disciplinary proceedings initiated against him were dropped vide proceedings dated 22.01.2016. Therefore, he sent several representations to the including the one on 04.03.2016 for considering his case for promotion to the post of City Engineer from 01.11.2012. However, till date the same has not been considered. Hence the present writ petition.

5. The learned Government Advocate appearing on behalf of the respondents would submit that apart from the petitioner there are also other candidates who are equally eligible for promotion to the post of City Engineer. In such circumstances, his case alone cannot be directed to be considered by the respondents.

6. I find force in the submission made by the learned Government Advocate appearing on behalf of the respondents. Since the petitioner has been discharged from the disciplinary proceedings, his case alone cannot be directed to be considered. He may be one of the eligible candidates for promotion to the post of City Engineer, however, this Court cannot give a specific direction to consider his case and give promotion to the petitioner precluding the rights of other eligible candidates.

7. Therefore, it is suffice to state that the first respondent, who is the authority concerned, shall consider the representation of the petitioner dated 04.03.2016, after taking into consideration the case of the all other eligible candidates, who have equally fulfilled all the requisite qualification for promotion to the post of City Engineer as claimed by the petitioner and after affording an opportunity of hearing to all the parties, who are likely to be affected in case, if the petitioner's case is considered for promotion, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible. It is also made clear that this order should not be construed as giving any positive direction to the respondents and they shall pass orders independently, depending on the facts and circumstances of the case.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vj2

To

1. The Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Chennai 600 009.
2. The Commissioner of Municipal
Administration, Chepauk,
Chennai 600 005

1 cc to Government Pleader, Sr. 32459

1 cc to Mr.T. Ranganathan, Advocate, Sr. 31875

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