

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.41236 of 2002

1.Palaniappan
2.S.Sankaranarayanan
3.K.Murugaiah
4.G.Rajasekar

... Petitioners

Vs

1.The Managing Director,
Tamil Nadu Housing Board,
Madras-35.

2.The Secretary and Personal Officer,
Tamil Nadu Housing Board,
Madras-35.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of certiorarified mandamus to call for the records on the file of the second respondent in proceedings No.Memo No.Personnel (T)-2/46000/2002 dated 12.09.2002 and 26.09.2002 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to appoint the petitioners as Assistant Executive Engineers on and from the date of their appointment to the post of AEE's.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.V.Anandhamoorthy
SC TNHB

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O R D E R

This writ petition has been filed by the petitioners, challenging the proceedings of the second respondent made in Memo No.Personnel (T)-2/46000/2002 dated 12.09.2002 and 26.09.2002 and to quash the same and to direct the respondents to appoint the petitioners as Assistant Executive Engineers on and from the date of their appointment to the post of AEE's.

2.The case of the petitioners is that they were appointed as Assistant Engineers and that they are eligible to be appointed as Assistant Executive Engineers after five years of date of joining and their names have been figured in the panel for the year 1995-96. In respect of the petitioners and other members

of the panel, the respondent-Board had directed to hold charge as Assistant Executive Engineers (incharge) and all the persons holding the additional charge, are entitled to be appointed on permanent basis. The appointments had taken place immediately on the preparation of the panel. While so, on 12.09.2002 and 26.09.2002, the Secretary and Personal Officer/the second respondent herein had passed an order seeking to withdraw the in-charge arrangement made by them and that no reasons had been given for such withdrawal and the Executive Engineers were called upon to take immediate action in this regard. While implementing the withdrawal, the persons, who are seniors had been withdrawn and some of the junior members were allowed to stay. While so, the petitioners, who are senior Assistant Engineers, are called upon to serve as a Subordinate to his juniors. During September 2001, the petitioners have made a detailed representation, requesting the Managing Director/the first respondent herein to promote them as Assistant Executive Engineers. Since the delay in promoting the petitioners to the post of Assistant Executive Engineer would deprive them to complete the requisite period of service to make them eligible to be appointed to the superior post, they are before this Court.

3.The learned counsel for the petitioners fairly submitted that the petitioners may be given an opportunity to submit their representations to the authority concerned since they were given promotion in the year 1994 itself. He would further submit that their request for promotion to the post of Assistant Executive Engineers may be considered, atleast for getting some notional benefits.

4.Learned counsel for the respondents had no serious objection towards considering the representation to be given by the petitioners.

5.Heard both sides and perused the materials available on record.

6.Though now it is stated by the learned counsel for the respondents that since charges were pending against the fourth petitioner, he was not included in the promotion panel and others namely petitioners 1 to 3 have been included in the panel for promotion as Assistant Executive Engineers, without going into the merits of the case, it would be suffice to direct the respondents to consider the representations to be given by the petitioners, as contended by the learned counsel for the petitioners that the petitioners are eligible for the said promotion from the year 1994 onwards.

7.Accordingly, the petitioners are directed to give fresh representations to the first respondent. When such representations are being made by the petitioners, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible.

8.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Managing Director,
Tamil Nadu Housing Board,
Madras-35.

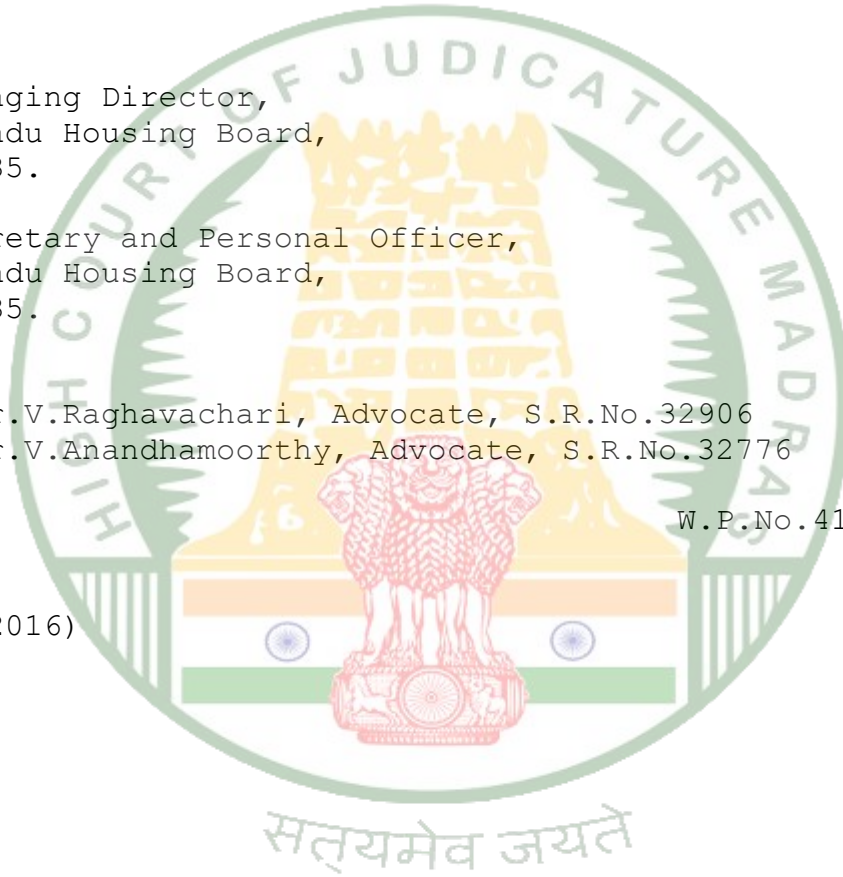
2.The Secretary and Personal Officer,
Tamil Nadu Housing Board,
Madras-35.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.32906

+1cc to Mr.V.Anandhamoorthy, Advocate, S.R.No.32776

W.P.No.41236 of 2002

NR(CO)
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