

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42030 of 2016

K.Raghupathy

... Petitioner

vs.

1. The Director General,
Highways Department,
Guindy, Chennai - 600 025.

2. The Divisional Engineer (Highways),
Construction & Maintenance,
Vellore - 14.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, to direct the respondents to consider and pass orders on the representation dated 05.11.2014 followed by reminder representation dated 23.08.2016 seeking retrospective promotion as Road Inspector Grade-I w.e.f. 01.03.1993 on merits within a time to be stipulated by this Court.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.N.Srinivasan,
Additional Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, to direct the respondents to consider and pass orders on the representation dated 05.11.2014 followed by reminder representation dated 23.08.2016 seeking retrospective promotion as Road Inspector Grade-I w.e.f. 01.03.1993 on merits within a time to be stipulated by this Court.

3. The petitioner would submit that he was appointed as Road Inspector Grade-II, on 31.08.1981 and his services came to be regularized from the date of his initial appointment and subsequently he was ousted on 30.09.1986 and thereafter, he was

re-appointed on 08.10.1992. While so, the period out of employment came to be regularized as per Fundamental Rules and he was extended with the selection grade scale of pay on 03.03.1998 and then, he was promoted as Road Inspector Grade-I on 12.03.2007, in which post he continues as on date.

4. The petitioner would further submit that the promotion and appointment to the post of Road Inspector Grade-I was with reference to the Statutory Rules issued in G.O.Ms.No.856 PWD dated 01.06.1977 which prescribe promotion from the post of Road Inspector Grade-II to that of Road Inspector General-I is on completion of 5 years of such service subject to assessment of merit and ability and as such, the petitioner is entitled to be promoted with effect from 01.03.1993 instead of 12.03.2007. While so, his far most junior, who was placed at Serial No.30 in the Seniority List has been extended with retrospective benefit of promotion effecting from 1986. But, the petitioner, who was placed in Serial No.23, has not been extended with the retrospective benefit of promotion. In this regard, the petitioner made a representation dated 05.11.2014, to the respondents seeking to consider retrospective promotion as Road Inspector Grade-I on completion of five years, w.e.f. 01.03.1993, followed by another reminder representation dated 23.08.2016, but, the same are pending consideration. Hence, the present writ petition has been filed.

5. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ogy

To

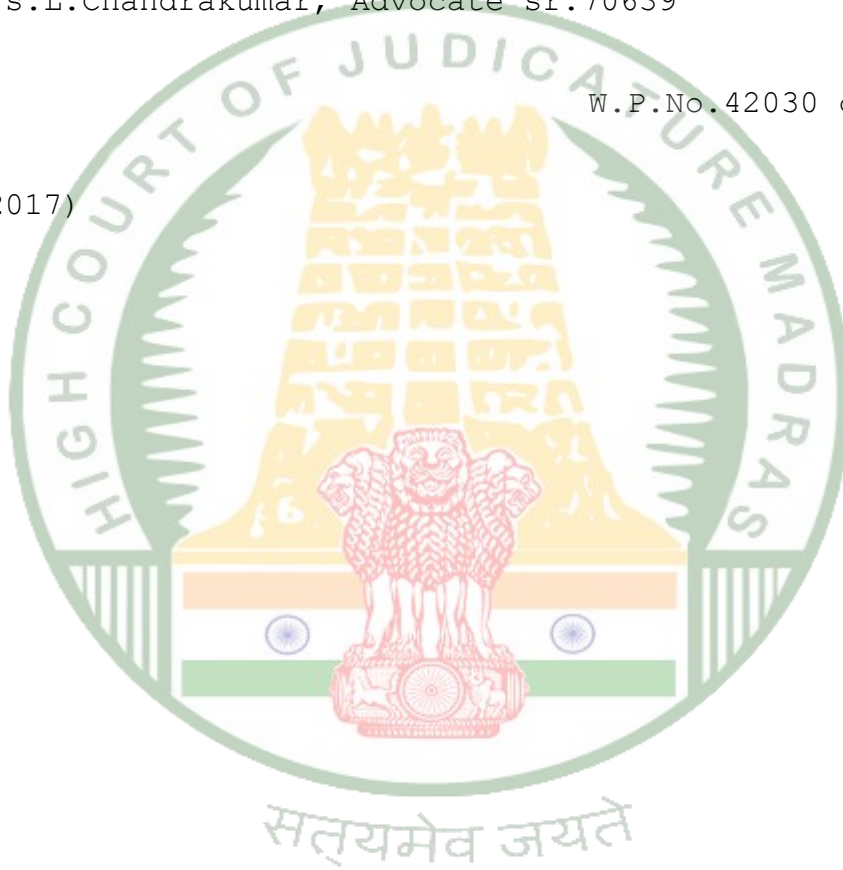
1. The Director General,
Highways Department,
Guindy, Chennai - 600 025.
2. The Divisional Engineer (Highways),
Construction & Maintenance,
Vellore - 14.

+1cc to The Government Pleader, High Court, Madras. sr.71044

+1cc to M/s.L.Chandrakumar, Advocate sr.70639

W.P.No.42030 of 2016

nri(co)
ss(12/01/2017)



WEB COPY