

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1271 of 2017

and WMP.No.1192 of 2017

T.Natarajan .. Petitioner
vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George, Chennai-9.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai-5. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to forthwith promote the petitioner as Executive Engineer & Superintending Engineer with retrospective effect from the date on which the petitioner's juniors got promotion as Executive Engineer & Superintending Engineer etc. by considering the representations of the petitioner dated 03.06.2016, 19.09.2016, 09.11.2016 & 01.12.2016 before his superannuation on 31.01.2017.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.R.A.S.Senthilvel,
Additional Govt. Pleader

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O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, while working as Municipal Engineer, Ambattur Municipality, was visited with disciplinary proceedings in the form of charge memo and charges were framed under Rule 8(2) of the Tamil Nadu Municipal Services (Discipline & Appeal) Rules and the Enquiry Officer, who was appointed, held that the charges framed against the petitioner have not been proved, vide G.O.(D).No.467, Municipal Administration & Water Supply (ME) Department dated 07.09.2004

and the petitioner was also issued with the second charge memo and both the charge memos were dropped as per G.O.(D)No.71, Municipal Administration and Water Supply (ME.III) Department dated 03.02.2015 and G.O.(D).No.189, Municipality Administration and Water Supply (ME.4) Department dated 26.04.2016. The petitioner would submit that in the light of pendency of the proceedings, his name was passed over in the panel for promotion from Assistant Executive Engineer to Executive Engineer for the year 2014-15 and in the light of dropping of further proceedings in the above cited charge memos, there cannot be any impediment on the part of the respondents to promote him to the post of Assistant Executive Engineer to Executive Engineer and therefore, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that despite receipt of many representations, no orders have been passed by the respondents and therefore, the petitioner has been constrained to approach this Court and would further submit that the petitioner is attaining the age of superannuation shortly.

4. Heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents and also perused the materials available on record.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider the petitioner's representation dated 01.12.2016 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

jvm

To

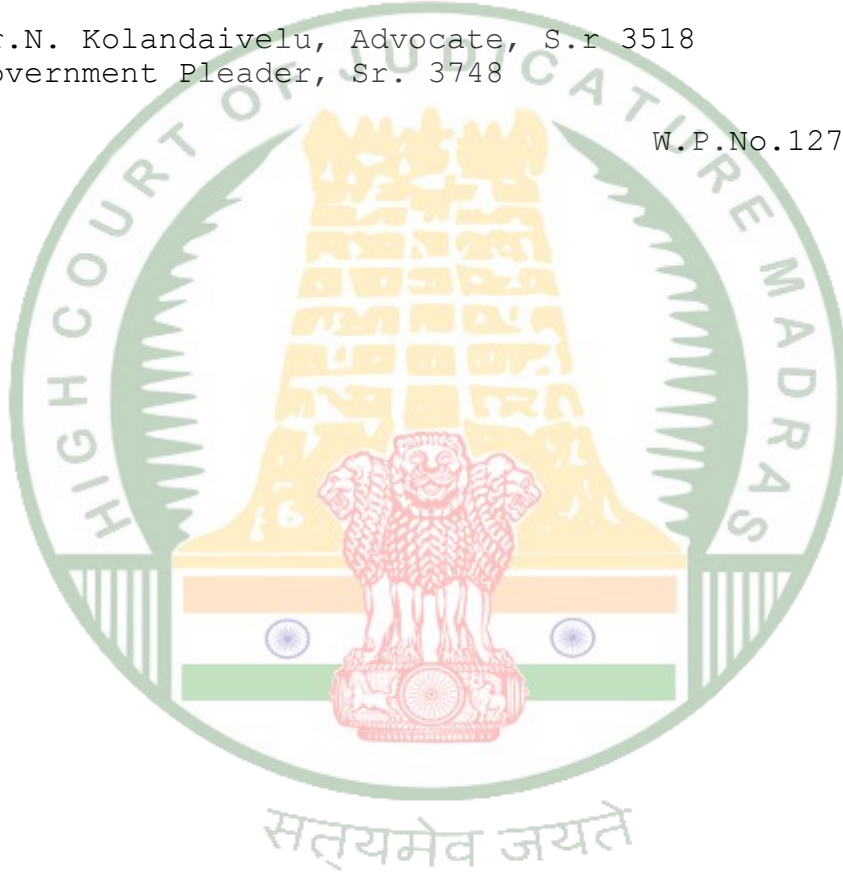
1.The Principal Secretary,
to the Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-9.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai-5.

1 cc to Mr.N. Kolandaivelu, Advocate, S.r 3518
1 cc to Government Pleader, Sr. 3748

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