

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13898 of 2017

V.C.Prabakar

.. Petitioner

-vs-

1. Government of Tamil Nadu
represented by its Secretary
Public Works Department
Fort St.George
Chennai
2. Engineer in Chief (Buildings) and
Chief Engineer (Buildings) Chennai Region
and Chief Engineer (General)
Public Works Department
Chepauk
Chennai-5

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondents to promote the petitioner to the post of Asst.Executive Engineer with retrospective effect from the date when his juniors and similarly placed persons were promoted as Asst.Executive Engineer in pursuant to the seniority list published by the second respondent as on 1.4.2006 and also direct the respondents herein to give all monetary and attendant benefits on par with the juniors and similarly placed persons from the date of their promotion.

For Petitioner :: Mr.M.Palani

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner has filed the present writ petition seeking issuance of a mandamus directing the respondents 1 & 2 to promote him as Assistant Executive Engineer with retrospective effect from the date when his juniors were promoted, pursuant to the seniority list published by the second respondent as on

1.4.2006, and also to pay him all the monetary and attendant benefits.

2. The petitioner, having joined the post of Technical Assistant in the Public Works Department on 27.6.84, was promoted to the post of Junior Engineer on 24.7.97. Thereafter, he claims to have passed the Graduate Degree in Engineering on 6.8.97. Subsequently, he was re-designated as Assistant Engineer from the date of passing the B.E.Degree. In this background, the claim of the petitioner is that the next promotional post being Assistant Executive Engineer, when the seniority list was prepared during the year 2006-07, he was placed in Serial No.104 and some of his juniors, namely, Mr.R.Selvam, Mr.N.Gopalakrishnan and Mr.K.Guruswamy were placed in Serial Nos.107,108 and 109 in the seniority list. However, his juniors were promoted to the post of Assistant Executive Engineer and the petitioner was promoted to the said post only on 7.2.2014. Therefore he has given representations on 3.4.2014, 18.12.2015 & 1.3.2017 seeking to promote him from the date on which his juniors were promoted to the said post. As the said representations have not been considered, he has been advised to come to this Court.

3. Mr.T.M.Pappiah, learned Special Government Pleader, taking notice on behalf of the respondents, sought sufficient time to pass orders on the petitioner's pending representations.

4. This Court, without going to the merits of the matter, hereby directs the first and second respondents to consider the pending representations of the petitioner on merit and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
सत्यमेव जयते

Assistant Registrar

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Sub Assistant Registrar

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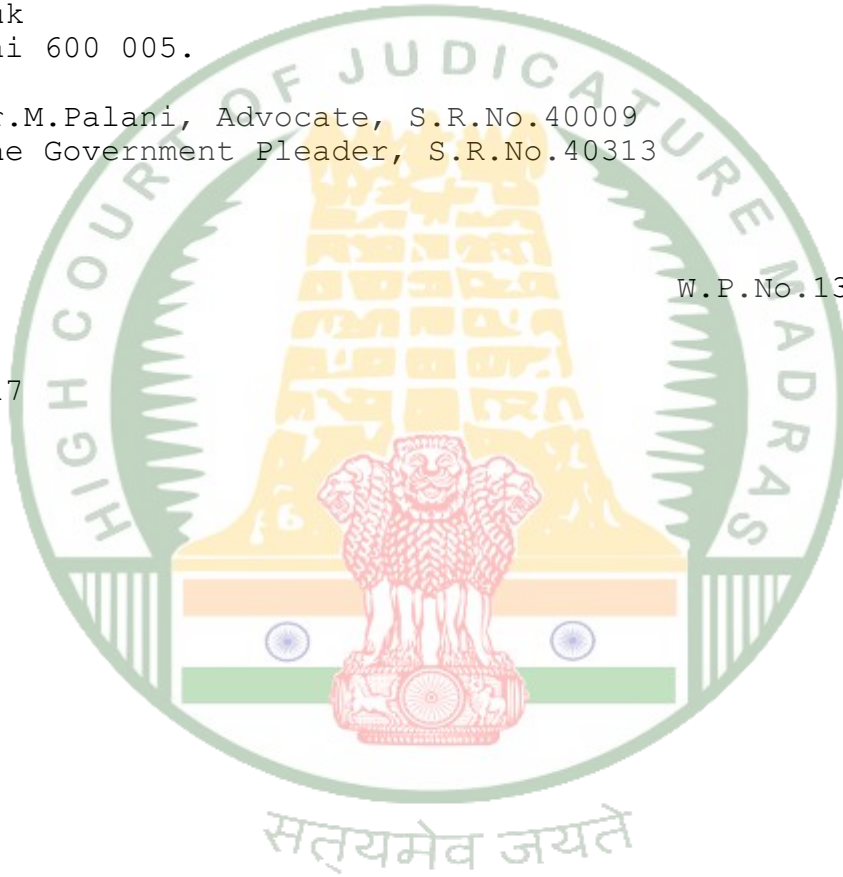
To

1. The Secretary to Government
Public Works Department
Fort St.George
Chennai 600 009.
2. The Engineer in Chief (Buildings) and
Chief Engineer (Buildings) Chennai Region
and Chief Engineer (General)
Public Works Department
Chepauk
Chennai 600 005.

+1cc to Mr.M.Palani, Advocate, S.R.No.40009
+1cc to the Government Pleader, S.R.No.40313

W.P.No.13898 of 2017

SV(CO)
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