

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16203 of 2017

And

W.M.P.Nos.17504, 17505, 17506, 17507 and 21205 of 2017

1.T.Justes Raj
2.M.Ramamoorthy
3.S.S.Mariappan
4.T.Manthirammoorthy
5.T.M.Jawahar Kennedy
6.A.Manivel Raj
7.V.Baskaran
8.R.Jeevashankar
9.E.Iyyappa Babu
10.S.Athinarayanan

.. Petitioners

vs.

Tamil Nadu Water Supply and Drainage Board,
Represented by its Managing Director,
Chepauk,
Chennai-600 005.

Respondent

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to Letter No.C2/EE/HO/013836/2017 dated 14.6.2017 and quash the same and directing the respondent to pass fresh orders in the light of the judgment of this Court in W.A.Nos.804 and 805 of 2008.

For Petitioners

: Mr.K.Doraisami,
Senior Counsel for M/s.Muthumani
Doraisami.

For Respondent : Mr.K.Venkataramani,
Additional Advocate General-VII
Assisted by Mr.R.Ganesh Babu.

O R D E R

The letter, issued by the respondent in proceedings dated 14.06.2017, is under challenge in this Writ Petition.

2. The learned counsel appearing for the writ petitioner contended that the Hon'ble Division Bench of this Court passed an order in Writ Appeal Nos.804 & 805 of 2008, issuing certain directions relating to the promotions in Tamilnadu Water Supply and Drainage Board. The Hon'ble Division Bench passed the Judgment on 23.03.2016. Further, it is stated that the writ petitioner has filed a Contempt Petition for the non compliance of the order of the Hon'ble Division Bench dated 23.03.2016.

3. Be that it may. The letter issued by the Managing Director TWAD Board in proceeding dated 14.06.2017, is under challenge in this writ petition. On a perusal of the order impugned in this Writ Petition, it is very clear that a circular was issued to all Chief Engineers of TWAD Board, all Superintending Engineers of TWAD Board, the Secretary cum General Manager TWAD Board, Head Office, Chennai and to all Executive Engineers of TWAD Board to send Confidential reports, Nominal rolls with

service particulars for the purpose of preparation of panel for promotion to the post of Assistant Executive Engineers for the year 2016 – 2017.

4. The letter also reads with the same intention and it proceeds by stating that "as the panel of Assistant Engineers/Junior Engineers fit for promotion in the post of Assistant Executive Engineers for the year 2016 - 2017 has to be prepared and finalised immediately, I am to request you to ensure that the confidential reports and service particulars due for Assistant Engineers/Junior Engineers concerned or collected and forwarded immediately. If the reporting officer was transferred to any other station, I request you to depute one responsible person along with skeleton form of confidential reports to the place where the reporting officer is presently working and get the confidential reports from him and submit the same to this office immediately. In this connection, I would like to inform that any delay in this regard will be viewed seriously. I request you to send the Confidential reports, Nominal roles and Service particulars in respect of Assistant Engineers/Junior Engineers whose names are mentioned in the annexure and who are working under your control to head office TWAD board positively on or before 20.06.2017 through a special messenger."

5. On reading of the entire circular the respondent has merely called for the particulars for the purpose of finalising the panel for promotion to the post of Assistant Executive Engineers for the year 2016

– 2017.

6. Promotion can never be claimed as a matter of right. Consideration alone is the right to the employees aspiring for promotion. In the case on hand, even the consideration was not shown in the order impugned, and the same is a mere circular inviting particulars from all the officials concerned. Thus, there is no cause for the writ petitioner to move this writ petition under Article 226 of the Constitution of India. This Court is of the firm view that the writ petitioner is not at all an aggrieved person from and out of the circular issued by the respondent in proceeding dated 14-06-2017. The cause for the writ petitioner may arise only at the time of consideration for preparation of panel by the respondent and not before that.

7. Thus, the Writ Petition is premature and the writ petitioners are not the aggrieved persons from and out of the circular issued by the respondent in proceeding dated 14.06.2017. In this view of the matter no further adjudication needs to be undertaken on merits in this writ petition. Accordingly, the Writ Petition stands dismissed. However no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

10-08-2017

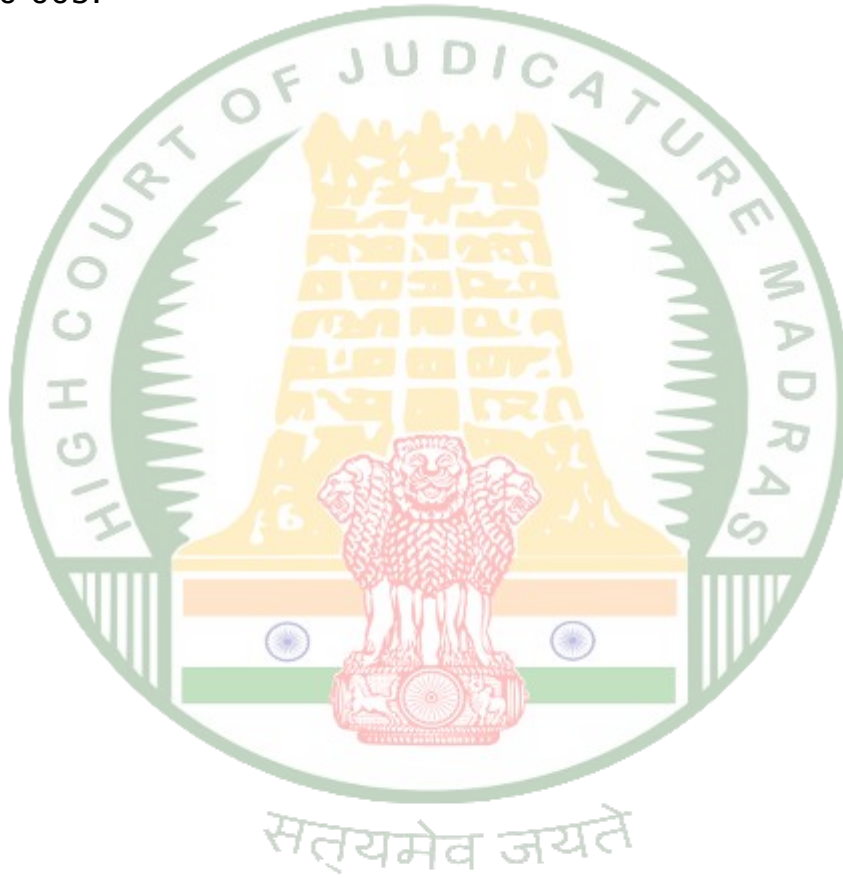
Speaking Order/Non-Speaking Order.

<http://www.judis.in> Index : Yes/No.

Internet : Yes/No.
Svn

To

The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk,
Chennai-600 005.



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S.M.SUBRAMANIAM, J.

Svn



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