



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12403 of 2017

S.Palaniappan

... Petitioner

vs.

1.The Engineer in Chief,
Water Resources Organisation and Chief Engineer(General),
Public Works Department.
Chepauk,
Chennai-600 005.

2.The Chief Engineer,
Buildings,
Public Works Department,
Trichy Region,
Trichy.

3.The Superintendent Engineer,
Public Works Department,
Building Construction and Maintenance Circle,
Trichy-1.

4.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Division,
Pudukkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to promote the petitioner from the post of junior draughting officer to the post of draughting officer from the date of 18.01.2015 with all consequential monetary benefits which the petitioner is entitled from the date of 18.01.2015 within a time frame fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.D.Muruganatham



O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner is a retired Draughting Officer. After retired from the service on 31.07.2016, he has come to this Court seeking a Writ of Mandamus directing the respondents to promote him from the post of Junior Draughting Officer to Draughting Officer from 18.01.2015 with all consequential monetary benefits, to which, he was legally entitled.

3. The claim of the petitioner is that after the selection to the post of Assistant Draftsman, he was appointed in Pudukottai Division through employment exchange on 11.11.1981. Subsequently, his service was also regularised with the effect from 14.11.1981.

4. Considering his continuous service and performance, he was promoted as Junior Draughting Officer in the year 1999. While he was serving in the said post, the respondents prepared a panel list of Junior Draughting Officer to be promoted to the Post of Draughting Officer. However, due to family circumstances, he made an application to the respondents on 18.01.2012 relinquishing his right to promotion as Draughting Officer temporarily for the period of three years from 17.02.2012 to 16.02.2015. His application was also accepted by the third respondent for the period of three years with the condition that he is not entitled for the original seniority. Therefore it is pleaded that after the expiry of three years period, the respondents should have promoted the petitioner to the higher post, which they have not done deliberately. Hence, the petitioner has given a representation and in the meanwhile, he retired from service on reaching the age of superannuation on 31.07.2016. As respondents have not given promotion after expiry of three years of his relinquishment period on 17.02.2015, a direction may be given, it is pleaded.

5. Although, the petitioner has brought to the notice of this Court that his representation, dated 28.12.2015 stating that there was a vacancy in the office of Superintendent Engineer at Pudukkottai, the respondents failed to consider the representation. Again, he has also brought to the notice of this Court that the panel prepared on 22.04.2016 has shown his name in the said panel for the post of Draughting Officer. But while the panel was prepared, the petitioner had retired from service, therefore, the respondents have not given promotion to the petitioner for the reason that he retired from service. It is not the claim that the said panel was implemented during the period he was serving in the department considering his juniors. Therefore, as he had already retired from service and that the said panel dated 22.04.2016 was not implemented before his retirement, this



Court is not inclined to consider the prayer of the petitioner.
Hence, the writ petition fails and is dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

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Sub Assistant Registrar(C.S.)

To

- 1.The Engineer in Chief,
Water Resources Organisation and Chief Engineer(General),
Public Works Department.Chepauk,Chennai-600 005.
- 2.The Chief Engineer,
Buildings,
Public Works Department,Trichy Region, Trichy.
- 3.The Superintendant Engineer,
Public Works Department,
Building Construction and Maintenance Circle, Trichy-1.
- 4.The Executive Engineer,
Public Works Department,
Building Construction and Maintenance Division,Pudukkottai.

+1cc to M/S.R.RAJARAMAN, Advocate SR.No.63612

+1cc to Special Government Pleader, SR.No.63718

Mrn/Am

MAS/GT/SAR2:25.07.2017:3P-7C

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