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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.17785 of 2017
and WMP No.14335 of 2017

J.Anbu

... Petitioner

Vs.

1.The Engineer in Chief (WRO) and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai.

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

3.The Superintending Engineer
Public Works Department, WRO
Lower Cauvery Basin Circle,
Thanjavur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the respondents to accommodate the petitioner in the post of Superintendent in Lower Cauvery Basin Circle, Thanjavur in view of the promotion order issued by the 1st respondent in C1(3)/09339/2016, dated 03.01.2017 of one James Edison, who worked as Superintendent at Lower Cauvery Basin Circle, Thanjavur, based on his representation dated 11.09.2017.

For Petitioner : Mr.G.Sankaran for
Mr.F.Deepak

For Respondents : Mr.D.Muruganandham
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is before this Court with this writ petition for a direction to the respondents to accommodate her in the post of Superintendent in Lower Cauvery Basin Circle, Thanjavur in view of the promotion order issued by the 1st respondent in C1(3)/09339/2016, dated 03.01.2017 of one James Edison, who worked as Superintendent at Lower Cauvery Basin Circle, Thanjavur, based on



her representation dated 11.09.2017.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents.

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4. The petitioner was promoted to the post of Superintendent by order dated 21.12.2015 passed by the Engineer in Chief, WRO, and Chief Engineer (General), Public Works Department, Chennai.

5. The learned counsel for the petitioner submitted that before the petitioner went and joined the promotional post, she suffered Foot Dorsum, which resulted in complete peeling of skin with exposure of bone outside and it required two operations, which the petitioner underwent in February and March 2015 respectively. Subsequently, her left leg was also operated for the purpose of skin grafting in the right leg and required constant medical attention. In view thereof, the petitioner is unable to walk without any support. Hence, the petitioner was serving only as Assistant. In the meanwhile, in her promoted post, another person was appointed. Subsequently, the petitioner was transferred to Chennai by proceeding dated 05.08.2016 on promotion, reposting as Superintendent in a Special Project Circle, Chennai. Since the petitioner suffered accident, she challenged the impugned transfer order in W.P.(MD) No.15952/2016 and by order dated 26.08.2016, the respondents were directed not to disturb the petitioner in the present station. Presently, the petitioner is continuing in the post of Assistant due to want of vacancy. Now, the petitioner has given a representation on 11.09.2017 stating that now vacancy has arisen on account of promotion of one incumbent, namely, Mr. James Edison, hence, she could be accommodated therein.

6. The learned Additional Government Pleader, on instructions, sought two weeks time to consider the petitioner's representation.

7. In view of the above, considering the limited prayer made by the petitioner, without going into the merits of the matter, the respondents are directed to consider the representation made by the petitioner, in the light of her earlier promotion order dated 03.01.2017 within a period of two weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1.The Engineer in Chief (WRO) and
Chief Engineer (General)

Public Works Department,
Chepauk, Chennai.

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

3.The Superintending Engineer
Public Works Department, WRO
Lower Cauvery Basin Circle, Thanjavur.

+1cc to Mr.G.SANKARAN,Advocate,SR.80207

+1cc to M/S.Special Government Pleader,SR.80371

W.P.(MD)No.17785 of 2017
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20.09.2017

RR

KK/RSK/SAR 1/20.10.2017/ 3P- 6C