

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.04.2017

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**W.P. (MD) No.18568 of 2013**

G.Aramudhu

.. Petitioner

-Vs-

1. The Agricultural Production Commissioner,
and Secretary to Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai - 09.

2. The Chief Engineer,
Tamil Nadu Agricultural Engineering Department,
No.328, Anna Salai, Nandanam,
Chennai - 35.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.Moo.Mu/Pa.A.Pa3/61157/2010 dated 25.11.2010 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the respondents to promote the petitioner to the post of Assistant Engineer within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy.

For Respondents : Mr.K.Guru,
Additional Government Pleader.**ORDER**

This writ petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in No.Moo.Mu/Pa.A.Pa3/61157/2010 dated 25.11.2010 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondents to promote the petitioner to the post of Assistant Engineer within the time stipulated by this Court.

2.The case of the petitioner is that he was appointed as Inspector of Hand Boring set Grade III on 11.03.1991 through the District Employment Office. At present the petitioner is working at Thanjavur. According to the petitioner after getting necessary permission from the authorities of his department concerned he completed B.E. (Mechanical) and therefore he is eligible for promotion to the post of Assistant Engineer. Two persons namely P.Sithivinayagamoorathi and Mr.Vinayagam working as Assistant Draftsman were given promotion to the post of Assistant Engineer



on possession of their B.E.(Civil). Therefore the petitioner made representation dated 06.01.2011 to the respondents to consider him for promotion to the post of Assistant Engineer as he also completed B.E (Mechanical Engineering).

3. According to the petitioner as per G.O.Ms.No.958 dated 27.12.1990 which was amended vide G.O.Ms.No.582 dated 09.11.1995 the promotion to the post of Assistant Engineer shall be made from the posts of Assistant Soil Conservation Officer, Junior Drafting Officer and Agricultural Engineering Foreman on acquisition of degree in B.E.(Civil)/ B.E.(Mechanical) through part time course.

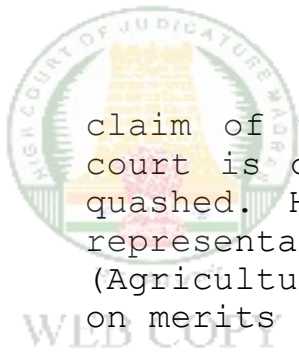
4. On receipt of the representation of the petitioner, the 2nd respondent has passed the impugned order on 25.11.2010 by rejecting the claim of the petitioner on the ground that the petitioner is working as Inspector of Hand Boring set Grade-III, whereas the above said two persons were worked as Assistant Draftsman and therefore they were given promotion to the post of Assistant Engineer as per G.O.Ms.No.582 dated 09.11.1995. Challenging the said order the petitioner has come up with the present writ petition.

5. I have heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.K.Guru, learned Additional Government Pleader appearing for the respondents.

6. From the perusal of records, this Court would find that by the proceedings of the 2nd respondent dated 10.11.1999 permission was given to the petitioner G.Aaramudhu to study part time B.E. (Mechanical) degree course. The petitioner also produced completion certificate of B.E. degree in Mechanical Engineering with 1st class issued by the Principal, Thiagarajar College of Engineering and Technological, Madurai. From the above it is clear that the petitioner has possessed B.E. (Mechanical Engineering) with regard to the promotion to the post of Assistant Engineer is concerned, it is for the respondents to consider the same.

7. At the same time this Court has gone through the G.O.Ms.No.403 dated 15.10.2007 wherein promotion was given to Mr.Shithivinayagamoorathi, Assistant Draftsman to the post of Assistant Engineer as a special case. When the respondent given promotion to other similarly placed person by issuing separate G.O. as a special case, this court is unable to understand as to why the petitioner was not given such promotion and the claim of the petitioner was rejected by the impugned order. That apart the 2nd respondent by proceedings dated 11.03.2011 and 02.05.2011 addressed to the Assistant Executive Engineer with a request to send the proposal of the petitioner for promoting him to the post of Assistant Engineer.

8. Considering the above said facts and circumstances of the case, this court find that there is no justification on the part of the 2nd respondent to pass the impugned order rejecting the



claim of the petitioner. In view of the foregoing reason, this court is of the opinion that the impugned order is liable to be quashed. However, the petitioner is directed to submit a fresh representation seeking promotion to the post of Assistant Engineer (Agriculture) and the same shall be considered by the respondents on merits in accordance with law.

9. In the result:

a) the writ petition is allowed by setting aside the impugned order passed by the 2nd respondent in No.Moo.Mu/Pa.A.Pa3/61157/2010 dated 25.11.2010;

b) the writ petitioner is directed to give fresh representation to the respondents by narrating all the facts within a period of 15 days from the date of receipt of a copy of this order;

c) on receipt of the said representation, the respondents are hereby directed to consider the petitioner's representation, by giving personal opportunity to the petitioner and to pass appropriate orders for giving promotion to the petitioner in the post of Assistant Engineer;

d) the said exercise shall be done within a period of eight weeks from the date of receipt of the petitioner's representation. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Agricultural Production Commissioner,
and Secretary to Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai - 09.
2. The Chief Engineer,
Tamil Nadu Agricultural Engineering Department,
No.328, Anna Salai, Nandanam,
Chennai - 35.

W.P. (MD) No.18568 of 2013
06.04.2016
(1/2)